

IN THE SUPREME COURT OF ALABAMA
September 19, 2006

ORDER

IT IS ORDERED that the Alabama Rule for Legal Internship by Law Students be amended to read in accordance with the appendix attached to this order;

IT IS FURTHER ORDERED that this amendment is effective September 19, 2006.

IT IS FURTHER ORDERED that the following note from the reporter of decisions be added to follow the Alabama Rule for Legal Internship by Law Students:

"Note from the reporter of decisions: The order amending the Alabama Rule for Legal Internship by Law Students, effective September 19, 2006, is published in that volume of Alabama Reporter that contains Alabama cases from ___ So. 2d."

Nabers, C.J., and See, Lyons, Harwood, Woodall, Stuart, Smith, Bolin, and Parker, JJ., concur.

I Robert G. Esdale, Sr., as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 19th day of Sept., 2006

Robert G. Esdale, Sr.
Clerk, Supreme Court of Alabama



APPENDIX

ALABAMA RULE FOR LEGAL INTERNSHIP BY LAW STUDENTS

I. PURPOSE

The purpose of this rule is to help the Bar discharge its responsibility to provide competent legal services for all persons, and to encourage law schools to provide senior law students with practical training during the period of their formal education, and to establish procedures to govern student internships and supervision by sponsoring attorneys.

II. APPEARANCE BEFORE COURT OR TRIBUNAL

A. An eligible law student may appear as a student intern in any civil or criminal matter in any court or before an administrative tribunal in this State if the person on whose behalf he or she is appearing has consented in writing to that appearance and the sponsoring attorney, who shall also be the attorney of record in the court or tribunal, has approved the appearance in writing.

B. The certification of the client and the sponsoring attorney shall be submitted to the court or tribunal of appearance, which shall enter an order allowing the appearance. The certification shall be made a part of the record of the court or tribunal in the case or proceedings for which the student intern shall provide services on behalf of the client.

C. The sponsoring attorney shall personally supervise and oversee at all times any such student intern who shall appear before any court or administrative tribunal, and in any case tried before a jury the licensed attorney of record shall be present in court at all times during the trial of the case.

D. A student intern may also appear in any criminal matter on behalf of the State with the written approval of the prosecuting attorney or his or her authorized representative.

III. SERVICES

A. A student intern may make court appearances and provide any related services on behalf of the client that are approved by the client, the sponsoring attorney, and the court or tribunal.

B. In addition, a student intern may engage in other services, under the supervision of a member of the Alabama State Bar, including:

1. Preparation of pleadings and other documents to be filed in any matter, but such papers must be signed by the attorney of record.

2. Preparation of briefs, abstracts, and other documents to be filed in appellate courts of this State, but such documents must be signed by the attorney of record.

C. A student intern shall be authorized to interview, advise, and negotiate for a client while rendering assistance to the sponsoring attorney.

IV. REQUIREMENTS AND LIMITATIONS

In order to perform any services pursuant to the rule, the student intern must:

A. Be registered as a law student with the Secretary of the Board of Commissioners of the Alabama State Bar (hereinafter "Secretary") and duly enrolled in any school of law from which a graduate of such school is qualified and authorized to stand for the State of Alabama Bar Examination, provided such school of law has a full-time faculty member or a full-time administrator who is a graduate of a school of law supervising the certification of students and assigned the duties of supervising and counseling eligible and certified students. The registration requirements herein shall be satisfied by compliance with Rule I.A of the Rules Governing Admission to the Alabama State Bar. If a student desires to participate under this rule and does not intend to seek admission to the Alabama State Bar, the student must register in accordance with Rule I.A; however, the penalty imposed for

failure to register within 60 days of entry into law school shall not be applicable to the student.

B. Have completed legal studies amounting to at least four (4) semesters (not less than 54 semester hours), or the equivalent if the school is on some basis other than a semester basis.

C. Be certified in writing by the dean of his or her law school as being of good character and competent legal ability, and as being adequately trained to perform as a legal intern.

D. Be introduced to the court in which he or she is appearing by an attorney admitted to practice in that court.

E. Certify in writing that he or she has read and will abide by the Alabama Rules of Professional Conduct and also subscribe to an oath that he or she will support the Constitutions of the United States and the State of Alabama and will faithfully perform the duties of a student intern. The certificate and oath are to be filed with the Secretary.

F. Neither ask for nor receive any compensation or remuneration of any kind for specific services from the person on whose behalf he or she renders services; provided, however, that the student intern may be paid a set salary or hourly wage by an employing lawyer, law firm, government office, or other entity providing legal services.

G. The sponsoring attorney shall certify to the court or tribunal that he or she will fulfill his or her responsibilities as sponsoring attorney as set forth in this rule.

V. CERTIFICATION

The certification of a student by the law school dean:

A. Shall be filed with the Secretary and shall remain in force and effect as long as he or she continues as a student in good standing, and after graduation from law school may remain in force and effect until the results of the next Alabama Bar examination are announced.

B. May be withdrawn by the dean at any time by mailing a notice to that effect to the Secretary.

C. May be terminated by the Board of Commissioners of the Alabama State Bar at any time. Notice of the termination shall be filed with the Secretary and with the dean of the law school in which the student is enrolled.

D. The Secretary shall maintain a continuous register of all law students currently certified as legal interns. This register shall include all pertinent information required under this rule.

VI. ATTORNEY'S RESPONSIBILITY

The member of the Bar to whom the eligible student intern is assigned and under whom the student intern does any of the things permitted by this rule shall:

A. File an appropriate certificate as sponsoring attorney of a law student intern with the Secretary.

B. Assume personal professional responsibility under the Alabama Rules of Professional Conduct for the student intern's work.

C. Secure the prior written consent of the client for the services actually to be performed in court by the student intern and keep the client advised of the services being performed by the student intern.

D. Supervise the activities and services of the student intern, all of which shall be performed under the member's direction and with his or her knowledge and approval.

Alaska Bar Rules

Rule 44. Legal Interns.

Section 1. Practice Authorized When. The Integrated Bar Act prohibits the practice of law by anyone not admitted to practice in Alaska. This rule does not authorize an intern to perform any function prohibited by that Act other than those specifically set forth herein.

Section 2. Definition of Legal Intern. A "legal intern" is any person who has on file with the Alaska Bar Association an effective permit issued by the Bar Association through its Executive Director.

Section 3. Eligibility for Intern Permit. Every applicant for an intern permit shall:

(a) File a written request for an intern permit, a letter from an attorney authorized to practice law in Alaska agreeing to supervise the intern, and the documents required by this rule as proof of eligibility for the permit;

(b) Be a student who:

(1) Is duly enrolled in a law school which was accredited or approved by the Council of Legal Education of the American Bar Association or the Association of American Law Schools when the applicant entered, or is enrolled in a law school in which the principles of English common law are taught but which is located outside the United States and beyond the jurisdiction of the American Bar Association and the Association of American Law Schools, provided that the foreign law school in which he or she is enrolled meets the American Bar Association Council of Legal Education Standards for approval;

(2) Has successfully completed at least one-half of the course work required for a law degree;

(3) Has filed with the application a certificate from the dean or other chief administrative officer of his or her law school, stating that he or she meets the requirements as set forth in subsections (b) (1) and (b) (2); or

(c) Be a law school graduate who:

(1) Has graduated from a law school which was accredited or approved by the Council of Legal Education of the American Bar Association or the Association of American Law Schools when the applicant entered or graduated, or has graduated from a law school in which the principles of English common law are taught but which is located outside the United States and beyond the jurisdiction of the American Bar Association and the Association of American Law Schools, provided that the foreign law school from which he or she has graduated meets the American Bar Association Council of Legal Education Standards for approval;

(2) Has never failed the Alaska bar examination;

(3) Has never failed a bar examination administered by any other state of the United States, or the District of Columbia, or, despite failure, has subsequently passed a bar examination administered by any state of the United States or the District of Columbia; and

(4) Has filed with the executive director a certificate from the dean or other chief administrative officer of his or her law school which states that the legal intern applicant meets the requirements set forth in subsection (c) (1), and a personal affidavit stating that he or she (i) has never failed the Alaska bar examination, and (ii) has never failed another bar examination or, despite failure, has subsequently passed a bar examination administered by any state of the United States or the District of Columbia, as set forth in subsection (c)(3).

Section 4. Prior Admission. Any applicant who has been admitted to practice in another jurisdiction must file a certificate of good standing from each jurisdiction in which the applicant is admitted. If not in good standing, the applicant shall submit satisfactory proof that the applicant has never been disbarred, suspended or otherwise disciplined.

Section 5. Act Authorized by Permit.

(a) A legal intern may appear and participate in all trial court proceedings before any district or superior court of this state, and in proceedings in the court of appeals, to the extent permitted by the judge or the presiding officer if the attorney representing the client is personally present and able to supervise the intern and has filed an entry of appearance with the court; a legal intern may also sign a brief or motion filed in the supreme court if the supervising attorney also signs that document;

(b) A legal intern may also appear and participate before any district court in small claims matters, arraignments, pleas, bail hearings, sentencings and recorded in-chambers conferences without an attorney being personally present to supervise the intern under the following conditions:

(1) If the supervising attorney has filed an affidavit with the judge before whom the legal intern will be appearing stating that the intern (i) has an effective legal intern permit on file with the Alaska Bar Association, and (ii) has previously been present and supervised in similar proceedings and that the attorney believes the intern is competent to conduct such proceedings without the personal presence of the attorney;

(2) If the client gives consent to the appearance. A governmental body may grant approval through its attorney; and

(3) If the judge or magistrate agrees to permit the legal intern to participate in the proceedings.

Section 6. Termination of Permit. A permit shall cease to be effective as follows:

(a) For a law student who obtains a permit under Section 3(b) of this rule, upon the expiration of a period of eight months in cumulative time that the intern participates in any acts authorized by the permit in any Alaska court; this cumulative time limit may be divided into two or three separate time periods if appropriate for the law student's schedule;

(b) For a law school graduate who obtains a permit under Section 3(c) of this rule, upon the expiration of a period of ten months from the date of issuance, or upon the failure of the intern to pass any bar examination administered by Alaska or any other state of the United States or the District of Columbia.

Section 7. Revocation of Permit. A permit may be revoked by the Executive Director on a showing that the intern has failed to comply with the requirements of this rule or violated the Alaska Bar Rules or the Alaska Rules of Professional Conduct.

Section 8. Practice of Law Under Statutory Authority. To be eligible to practice law without a license under the provisions of AS 08.08.210(d), a person must meet the eligibility requirements for obtaining a legal permit listed in Section 3(c)(1), (2), and (3) of this rule. Persons practicing under AS 08.08.210(d) must obtain a license to practice law in Alaska no later than 10 months following commencement of their employment. The authority for those persons to practice law terminates upon the failure of that person to pass any bar examination administered by Alaska or any other state of the United States or the District of Columbia.

(Added by Amendment No. 2 to SCO 176 dated June 28, 1974; and amended by Amendment No. 3 to SCO 176 dated September 17, 1974; by Amendment No. 4 to SCO 176; by SCO 342 effective December 18, 1978; by SCO 433 effective November 1, 1980; by SCO 1153 effective July 15, 1994; and by SCO 1708 effective April 1, 2011)

Arizona Rules of the Supreme Court 38(d)

(d) Clinical Law Professors and Law Students

1. Purpose. This rule is adopted to encourage law schools to provide clinical instruction of varying kinds and to facilitate volunteer opportunities for students in pro bono contexts.

2. Definitions.

A. “Accredited law school” means a law school either provisionally or fully approved and accredited by the American Bar Association.

B. “Certified limited practice student” is a law student or a graduate of an accredited law school who holds a currently effective Arizona Supreme Court Certification as a certified limited practice student.

C. “Dean” means the dean of the Accredited Law School where the student is enrolled (or was enrolled on graduation), or the dean's designee, who signed the application for limited practice certification.

D. “Designated attorney” is, exclusively in the case of government agencies, any deputy, assistant or other staff attorney authorized and selected by a supervising attorney to supervise the certified limited practice student where permitted by these rules.

E. “Period of supervision” means the dates for which the supervising attorney has declared, on the application for certification or recertification, he or she will be responsible for any work performed by the certified limited practice student under his or her supervision.

F. “Personal presence” means the supervising attorney or designated attorney is in the physical presence of the certified limited practice student.

G. “Rules” means Rule 38, Rules of the Supreme Court.

H. “Supervising attorney” is an attorney admitted to Arizona full or limited practice who agrees in writing to supervise the certified limited practice student pursuant to these rules and whose name appears on the application for certification or recertification.

I. “Volunteer legal services program” means a volunteer legal services program managed by an approved legal services organization in cooperation with an accredited law school. Approved legal service organizations are defined in paragraph (e)(2)(C) of this rule.

3. General Provisions.

A. Limited Bar Membership. To the extent a professor or a student is engaged in practice of law under this rule, the professor or student shall, for the limited purpose of performing professional services as authorized by this rule, be deemed an active member of the state bar (but not required to pay fees). The

provisions of this rule shall govern rather than the provisions of other rules relating to admission and discipline.

B. Nonapplicability of Attorney Discipline Rules to Terms of the Certification. The procedures otherwise provided by law or court rule governing the discipline of lawyers shall not be applicable to the termination of the certification of a clinical law professor or a limited practice student pursuant to this rule. Termination of certification shall be without prejudice to the privilege of the professor or the student to make application for admission to practice law if the professor or the student is in other respects qualified for such admission.

C. Effect of Certification on Application for Admission to Bar. The certification of a clinical law professor or a limited practice student shall in no way be considered as an advantage or a disadvantage to the professor or student in an application for admission to the state bar.

D. Privileged Communications. The rules of law and of evidence relating to privileged communications between attorney and client shall govern communications made or received by and among professors, supervising attorneys (and designated attorneys), and certified limited student practice students. All persons participating in any program of instruction or professional activity for which a student is certified under these rules are enjoined not to disclose privileged or confidential communications whether in the implementation of a course of instruction or otherwise.

4. Clinical Law Professors.

A. Activities of Clinical Law Professors. A clinical law professor not a member of the state bar but certified pursuant to this rule may appear as a lawyer, solely in connection with supervision of a clinical law program approved by the dean and faculty of a law school in Arizona either provisionally or fully approved and accredited by the American Bar Association, in any court or before any administrative tribunal in this state in any of the matters enumerated in paragraph (d)(5)(C) of this rule on behalf of any person, if the person on whose behalf the appearance is being made has consented in writing to that appearance. Such written consent 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.

B. Requirements and Limitations for Clinical Law School Professors. In order to make an appearance as lawyer pursuant to this rule, the clinical law professor must:

- i. be duly employed as a faculty member of a law school in Arizona either provisionally or fully approved and accredited by the American Bar Association for the purpose, inter alia, of instructing and supervising a clinical law program approved by the dean and faculty of such law school;
- ii. be admitted by examination to the bar of another state or the District of Columbia;
- iii. neither ask for nor receive any compensation or remuneration of any kind for such services from the person on whose behalf the services are rendered; and

iv. certify in writing that the clinical law professor has read and is familiar with the Arizona Rules of Professional Conduct and the Rules of the Supreme Court of Arizona and statutes of the State of Arizona relating to the conduct of lawyers.

C. Certification. The certification shall be signed by the dean of the law school on the form proscribed by the clerk of this Court and shall be filed with the clerk and the state bar. The certification shall remain in effect until withdrawn.

D. Duty to Ensure Adequate Supervision and Guidance of Certified Limited Practice Student. It shall be the responsibility of the clinical law professor to ensure that certified limited practice students receive adequate supervision and guidance while participating in the law school's clinical law program. In the case of a certified student who has graduated and participates in the program pending the taking of the bar examination, the clinical law professor shall, on a monthly basis, based on such reporting from the certified limited practice student and the supervising attorney as the law school shall require, confirm that the certified graduate has received and is receiving adequate attorney supervision and guidance.

E. Withdrawal or Termination of Certification.

i. The dean may withdraw a certification of a clinical law professor at any time by filing a notice to that effect, with or without stating the cause for withdrawal, with the clerk of this Court, who shall forthwith mail copies thereof to the clinical law professor and the State Bar of Arizona.

ii. The Court may terminate the certification of a clinical law professor at any time without cause and without notice or hearing by filing notice of the termination with the clerk of this Court and with the state bar.

5. Practical Training of Law Students

A. Law Student Eligibility for Limited Practice Certification. To be eligible to become a certified limited practice student, a law student applicant must:

i. have successfully completed legal studies amounting to at least three semesters, or the equivalent academic hour credits if the school or the student is on some basis other than a semester, at an accredited law school, or have graduated from an accredited law school, subject to the time limitations set forth in these rules;

ii. neither ask for nor receive any compensation or remuneration of any kind for services rendered by the certified limited practice student from the person on whose behalf the services are rendered, but this shall not prevent a supervising 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 such lawyer or agency from making such charges for its services as it may otherwise properly require;

iii. certify in writing that the student has read and is familiar with the Arizona Rules of Professional Conduct and the rules of the Supreme Court of Arizona and statutes of the State of Arizona relating to the conduct of attorneys; and

iv. be certified by the dean of the accredited law school where the student is enrolled (or was enrolled on graduation), or by the dean's designee, as being in good academic standing, of good character, and as having either successfully completed or being currently enrolled in and attending, academic courses in civil procedure, criminal law, evidence, and professional responsibility.

B. Application for Limited Practice Certification.

i. All applications for student limited practice certification or requests to change or add a supervising attorney or extend the period of certification pursuant to these rules must be submitted on a form provided by the clerk of the Court, to the clerk, with all the information requested on the form, together with any designated appropriate nonrefundable processing fee. The clerk of the Court shall send a copy of all approved student limited practice certifications to the admissions department of the state bar.

ii. The application for certification shall require the signature of the applicant, the dean, associate dean, or assistant dean of the accredited law school in which the applicant is enrolled, and the signature of the supervising attorney.

iii. The applicant shall attest that he or she meets all of the requirements of the rules; agrees to and shall immediately notify the clerk of the Court in the event he or she no longer meets the requirements the rules; and, that he or she has read, is familiar with and will abide by the Rules of Professional Conduct of the State of Arizona and these rules.

iv. The dean, associate dean, or assistant dean of the accredited law school in which the applicant is enrolled shall attest that the applicant meets the requirements of these rules; that he or she shall immediately notify the clerk of the Court in the event that the certified limited practice student no longer meets the requirements of these rules; and that he or she has no knowledge of facts or information that would indicate that the applicant is not qualified by ability, training, or character to participate in the activities permitted by these rules.

v. The supervising attorney shall specify the period during which he or she will be responsible for and will supervise the applicant and attest that he or she has read, is familiar with, will abide by, and will assume responsibility under the requirements of these rules;

C. Permitted Activities and Requirements of Limited Practice Certification; Physical Presence of Supervising Attorney.

i. Court and Administrative Tribunal Appearances. A certified limited practice student may appear in any court or before any administrative tribunal in this state on behalf of any person if the person on whose behalf the student is appearing has consented in writing to that appearance and the supervising attorney has also indicated in writing approval of that appearance. In each case, the written consent and approval

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. In addition, the certified limited practice student shall orally advise the court on the occasion of the student's initial appearance in the case of the certification to appear as a law student pursuant to these rules. A certified limited practice student may appear in the following matters:

a. Civil Matters. In civil cases in justice, municipal, and magistrate courts, the supervising lawyer (or designated 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.

b. Criminal Matters on Behalf of the State. In any criminal matter on behalf of the state or any political subdivision thereof with the written approval of the supervising attorney (or designated attorney), the supervising attorney (or designated attorney) must be present except when such appearance is in justice, municipal, or magistrate courts.

c. Felony Criminal Defense Matters. In any felony criminal defense matter in justice, municipal, and magistrate courts, and any criminal matter in superior court, the supervising attorney (or designated attorney) must be personally present throughout the proceedings and shall be fully responsible for the manner in which they are conducted.

d. Misdemeanor Criminal Defense Matters. In any misdemeanor criminal defense matter in justice, municipal, and magistrates courts, the supervising attorney (or designated attorney) is not required to be personally present in court, so long as the person on whose behalf an appearance is being made consents to the supervising attorney's absence; however, the supervising attorney shall be present during trial.

e. Appellate Oral Argument. A certified limited practice student may participate in oral argument in the Arizona Supreme Court and the Arizona Court of Appeals, but only in the presence of the supervising attorney (or designated attorney) and with the specific approval of the court for that case.

Notwithstanding anything hereinabove set forth, the court may at any time and in any proceeding require the supervising attorney (or designated attorney) to be personally present for such period and under such circumstances as the court may direct.

ii. Other Client Representation Activities. Under the general supervision of the supervising attorney (or designated attorney), but outside his or her personal presence, a certified limited practice student may:

a. prepare pleadings and other documents to be filed in any matter in which the certified limited practice student is eligible to appear, but such pleadings or documents must be signed by the supervising attorney (or designated attorney);

b. prepare briefs, abstracts and other documents to be filed in appellate courts of this state, but such documents must be signed by the supervising attorney (or designated attorney);

c. provide assistance to indigent inmates of correctional institutions or other persons who request such assistance in preparing applications and supporting documents for post-conviction relief, except when the assignment of counsel in the matter is required by any constitutional provision, statute, or rule of this Court (if there is a lawyer of record in the matter, all such assistance must be supervised by the lawyer of record, and all documents submitted to the court on behalf of such a client must be signed by the lawyer of record and the supervising attorney (or designated attorney));

d. render legal advice and perform other appropriate legal services, but only after prior consultation with and upon the express consent of the supervising attorney (or designated attorney).

iii. Other Non-Representation Activities. A certified limited practice student may perform any advisory or non-representational activity which could be performed by a person who is not a member of the state bar, subject to the approval by the supervising attorney (or designated attorney). In connection with a volunteer legal services program and at the invitation and request of a court or tribunal, a certified limited practice student may appear as a law student volunteer to assist the proceeding in any civil matter, provided:

a. the assistance is given to an otherwise unrepresented individual in an uncontested proceeding without entering an appearance as counsel;

b. the student's supervising attorney is associated with the particular volunteer legal services program;

c. the certified limited practice student has received the written consent and acknowledgment of non-representation by the unrepresented person, which written consent shall be obtained by the volunteer legal services program and brought to the attention of the court.

D. Use of the Title "Certified Limited Practice Student."

i. In connection with activities performed pursuant to these rules, a certified student may use the title "Certified Limited Practice Student" only and may not use the title in connection with activities not performed pursuant to these rules.

ii. When a certified limited practice student's name is printed or signature is included on written materials prepared pursuant to these rules, the written material must also state that the student is a certified limited practice student pursuant to these rules; state the name of the supervising attorney; be signed by the supervising attorney; and otherwise comply with these rules.

iii. A certified limited practice student may not and shall not in any way hold himself or herself out as a regularly admitted or active member of the state bar.

iv. Nothing in these rules prohibits a certified limited practice student from describing his or her participation in this program on a resume or letter seeking employment as long as the description is not false, deceptive or misleading.

v. Nothing contained in these rules shall affect the right of any person who is not admitted to practice law to do anything that person might lawfully do prior to the adoption of this rule.

E. Requirements and Duties of the Supervising Attorney. The supervising attorney shall:

i. be an active member of the state bar under these rules, and, before supervising a certified limited practice student shall have practiced law or taught law in an accredited law school as a full-time occupation for at least two years;

ii. supervise no more than five (5) certified limited practice students concurrently; provided, however, that a supervising attorney who is employed full-time to supervise law students as part of an organized law school or government agency training program may supervise up to, but in no case more than, fifty (50) certified students;

iii. assume personal professional responsibility for any work performed by the certified limited practice student while under his or her supervision;

iv. assist and counsel the certified limited practice student in the activities authorized by these rules and review such activities with the certified limited practice student, all to the extent required for the proper practical training of the certified limited practice student and the protection of the client;

v. read, approve, and personally sign any pleadings, briefs or other similar documents prepared by the certified limited practice student prior to the filing thereof, and read and approve any documents which shall be prepared by the certified limited practice student for execution by any person (exclusively in the case of government agencies, a designated attorney may, in the place of the supervising attorney, perform the obligation set forth in this subparagraph, but the supervising attorney shall still provide general supervision);

vi. provide the level of supervision to the certified limited practice student required by these rules (exclusively in the case of government agencies, a designated attorney may, in the place of the supervising attorney, perform the obligation set forth in this subparagraph, but the Supervising Attorney shall still provide general supervision); and

vii. in the case of a certified student who is participating in the clinical program post-graduation pending the taking of the bar examination, report to the clinical law professor and the dean of the law school, as the law school shall require, on a monthly basis regarding the supervising attorney's supervision and guidance of the certified student.

viii. promptly notify the clerk of the Court in writing if his or her supervision of the certified limited practice student has or will cease prior to the date indicated on a notice of certification.

F. Duration of Certification. Certification of a certified limited practice student shall commence on the date indicated on a notice of certification and shall remain in effect for the period specified on the notice of certification unless sooner terminated pursuant to the earliest of the following occurrences:

i. Termination by the Student. The certified limited practice student may request termination of the certification in writing or notify the clerk of the Court that he or she no longer meets the requirements of this rule, and in such event the clerk shall send written notice to the student, the student's supervising attorney, the dean, and the state bar.

ii. Termination by the Supervising Attorney. The supervising attorney may notify the clerk of the Court in writing that his or her supervision of the certified limited practice student will cease prior to the date specified in the notice of certification. In such event the clerk shall send written notice to the student, the student's supervising attorney, the dean and the state bar, and the dean may issue a modified certification reflecting the substitution of a new supervising attorney, as necessary.

iii. Termination by the Dean. A certification of student limited practice may be terminated by the dean any time, without cause and without notice or hearing, by filing notice of the termination with the clerk of the Court. A certification of student limited practice shall be terminated if one or more of the requirements for the certification no longer exists or the certified limited practice student, supervising attorney or designated attorney fails to comply fully with any provision of these rules or any other pertinent statute, rule or regulation. In the event of termination, the clerk of the Court shall send written notice to the student, the student's supervising attorney, the dean, and the state bar.

iv. Failure to Take or Pass the Bar Examination. A certification of student limited practice shall be terminated if the certified student fails to take or pass the first general bar examination for which the student is eligible.

v. Termination by the Arizona Supreme Court. A certification of student limited practice may be terminated by the Arizona Supreme Court any time, without cause and without notice or hearing, by filing notice of the termination with the clerk of the Court. A certification of student limited practice shall be terminated if one or more of the requirements for the certification no longer exists or the certified limited practice student, supervising attorney or designated attorney fails to comply fully with any provision of these rules or any other pertinent statute, rule or regulation. In the event of termination, the clerk of the Court shall send written notice to the student, the student's supervising attorney, the dean, and the state bar.



ARKANSAS JUDICIARY

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Rule Xv. Student Practice

A. Purpose

The bench and the bar are primarily responsible for providing competent legal services for all persons, including those unable to pay for these services. As one means of providing assistance to lawyers who represent clients unable to pay for such services and to encourage law schools to provide clinical instruction of varying kinds, this rule is adopted by the Arkansas Supreme Court (Court).

B. Activities

An eligible law student (student) may appear in any court or before any administrative tribunal in this State on behalf of any person if the person on whose behalf the student is appearing has indicated in writing consent to that appearance and the supervising lawyer (lawyer) has also indicated in writing approval of that appearance.

A student may also appear in any criminal matter on behalf of the State or prosecuting authority with the written approval of the prosecuting attorney (lawyer) or his or her authorized representative.

When a student appears pursuant to paragraphs B(1) or (2) above the lawyer must be personally present throughout the proceedings and shall be fully responsible for the manner in which they are conducted.

In civil cases and cases in which the student represents a defendant in a criminal case, the written consent of the person on whose behalf an appearance is being made and the approval of the lawyer shall be filed in the record of the case. In courts or administrative tribunals in which the student represents the State or prosecuting authority, the approval of the lawyer shall be filed of record with the clerk of the court or administrative tribunal.

An eligible law student may also participate in a law school clinical program emphasizing transactional and drafting skills including client counseling.

C. Requirements of Eligibility

In order to make an appearance or provide counsel pursuant to this rule, the law student shall:

Be duly enrolled in a law school approved by the American Bar Association;

Have completed a course in professional responsibility, or the equivalent of such a course;

File with the Clerk of this Court the law school dean certification described in paragraph E of this rule;

File with the Clerk of this Court the supervising lawyer certification described in paragraph F of this rule;

Neither ask for nor receive any compensation or remuneration of any kind directly from the person on whose behalf services are rendered, but this shall not prevent an attorney, law firm,

legal aid bureau, public defender agency, or the state, county, or municipality from paying compensation not otherwise prohibited by these rules to the student.

Certify in writing that he or she has read and will comply with this rule and with the Model Rules of Professional Conduct adopted by this Court. This certification shall be incorporated in the law school dean certification described in paragraph E of this rule.

If appearing under paragraphs B(1),(2)or(3), have completed legal studies amounting to at least forty-eight (48) credit hours, or the equivalent if the school is on some basis other than a semester basis, including courses in civil procedure, evidence, criminal procedure, and professional responsibility or the equivalent of such courses.

D. Limitations

A student is authorized to practice under this rule only under the supervision of:

The lawyer who signs the supervising lawyer certification described in paragraph F of this rule; or,

A lawyer who is admitted to practice in this State and who otherwise meets the requirements of Section H of this rule and is a member of the same law firm as the supervising lawyer; or, a lawyer who is admitted to practice in this State and is employed by the same law school or public office as the supervising lawyer; or,

A lawyer employed full time by an Arkansas Law School accredited by the American Bar Association, may engage in supervision under this section for no more than one year without being admitted to practice in this State, providing the lawyer:

is admitted to practice and is in good standing in another state; and;

has had at least five years of practice in another state or states; and,

it shall be the responsibility of the Arkansas law school which employs a full time lawyer pursuant to this section to secure and maintain documentation confirming that the lawyer meets the requirements of this section, and, the law school dean certification shall contain an affirmation by the dean to that effect.

The authority of a law student to practice under this rule may be terminated by this Court at any time without notice or hearing and without any showing of cause. Notice of the termination shall be filed with the Clerk of this Court.

After a law student has appeared in a court or administrative tribunal on one or more occasions, a judge of the trial court or tribunal may terminate, for good cause, the authority of any such student to appear subsequently in the court or division thereof, or the administrative tribunal, over which the Judge presides.

E. Law School Dean Certification

The certification of a law student by the law school dean shall:

Unless sooner withdrawn, remain in effect until: the expiration of eighteen (18) months after it is filed; or, the student graduates; or, the student officially withdraws from law school;

Certify that the law student is of good moral character and competent legal ability and is adequately trained to perform as an eligible law student under this rule;

Be subject to withdrawal by the dean at any time by mailing a notice to that effect to the Clerk of this Court and it is not necessary that the notice state the cause for withdrawal; and,

The law school dean certification required by this section shall contain an affirmation that the dean of the certifying institution will promptly notify the Clerk of this Court in the event the student's eligibility ceases pursuant to this section.

F. Supervising Lawyer Certification

The certification of a law student by a lawyer shall:

Be signed by a lawyer admitted to practice in this State who agrees to act as a supervising lawyer with respect to practice by a law student under this rule;
Unless sooner withdrawn, remain in effect until: the expiration of six (6) months after it is filed;
or, the student graduates; or, the student officially withdraws from law school;
Be subject to renewal by filing a new certification;
Certify that the lawyer has read and will comply with this rule and with the Model Rules of Professional Conduct adopted by this Court; and,
Be subject to withdrawal by the lawyer at any time by mailing a notice to that effect to the Clerk of this Court and it is not necessary that the notice state the cause for withdrawal.

G. Other Activities

In addition, a student may engage in other activities, but outside the personal presence of the lawyer, including:
Preparation of pleadings and other documents to be filed in any matter in which the student is eligible to appear under paragraphs B(1),(2)or(3), but such pleadings or documents must be signed by the lawyer;
Preparation of briefs, abstracts, and other documents to be filed in appellate courts of this State by a student eligible under paragraphs B(1),(2)or(3), but such documents must be signed by the lawyer; and,
Preparation of contracts, incorporation papers and by-laws, agreements, filings required by a state, federal or other governmental agency or body, proposed legislation and other documents for a client's consideration by a student certified under paragraph B(5). Such documents must be reviewed by the lawyer prior to presentation to the client and signed by the lawyer if a lawyer's signature is necessary. In preparation of these documents, the student may give legal advice if such advice has been approved or is supervised by the lawyer. Approval or supervision by the lawyer shall be accomplished through preparation of the student and videotaping of client contacts or the lawyer's presence during client contacts. The other activities set forth in this paragraph (c) are authorized exclusively for students representing persons receiving assistance from a law school clinical program which emphasizes transactional and drafting skills including client counseling.
The taking of a deposition shall be considered a court appearance subject to the provisions and requirements of section B of this rule.

H. Supervision

The lawyer under whose supervision a student does any of the things permitted by this rule shall:

Be a lawyer who is licensed in this State (except as may be otherwise provided by this rule) and who has been actively engaged in the practice of law in this State or any other jurisdiction for a period of at least two years and is in good standing with the Supreme Court of Arkansas;
Assume personal professional responsibility for the student's guidance in any work undertaken and for supervising the quality of the student's work;
Assist the student in preparation to the extent the lawyer considers it necessary; and,
The lawyer may not charge the client for services of a student practitioner pursuant to activities under section B of this rule.

I. Duties of the Clerk of this Court

The Clerk shall establish such records as are appropriate to administer and enforce the provisions of this rule.

J. Miscellaneous

Nothing contained in this rule shall affect the right of any person who is not admitted to practice law to do anything that he or she might lawfully do prior to the adoption of this rule. (Adopted April 27, 1987; republished December 20, 1993; amended by Per Curiam July 17, 1995; amended by Per Curiam May 7, 1998.)

Associated Court Rules:

Rules Governing Admission to the Bar

Source URL: <https://courts.arkansas.gov/rules-and-administrative-orders/court-rules/rule-xv-student-practice>



California Rules of Court (Revised July 1, 2013)

Rule 9.42. Certified law students

(a) Definitions

- (1) A "certified law student" is a law student who has a currently effective certificate of registration as a certified law student from the State Bar.
- (2) A "supervising attorney" is a member of the State Bar who agrees to supervise a certified law student under rules established by the State Bar and whose name appears on the application for certification.

(Subd (a) amended effective January 1, 2007.)

(b) State Bar Certified Law Student Program

The State Bar must establish and administer a program for registering law students under rules adopted by the Board of Governors of the State Bar.

(Subd (b) amended effective January 1, 2007.)

(c) Eligibility for certification

To be eligible to become a certified law student, an applicant must:

- (1) Have successfully completed one full year of studies (minimum of 270 hours) at a law school accredited by the American Bar Association or the State Bar of California, or both, or have passed the first year law students' examination;
- (2) Have been accepted into, and be enrolled in, the second, third, or fourth year of law school in good academic standing or have graduated from law school, subject to the time period limitations specified in the rules adopted by the Board of Governors of the State Bar; and
- (3) Have either successfully completed or be currently enrolled in and attending academic courses in evidence and civil procedure.

(d) Permitted activities

Subject to all applicable rules, regulations, and statutes, a certified law student may:

- (1) Negotiate for and on behalf of the client subject to final approval thereof by the supervising attorney or give legal advice to the client, provided that the certified law student:
 - (A) Obtains the approval of the supervising attorney to engage in the activities;
 - (B) Obtains the approval of the supervising attorney regarding the legal advice to be given or plan of negotiation to be undertaken by the certified law student; and
 - (C) Performs the activities under the general supervision of the supervising attorney;
- (2) Appear on behalf of the client in depositions, provided that the certified law student:
 - (A) Obtains the approval of the supervising attorney to engage in the activity;
 - (B) Performs the activity under the direct and immediate supervision and in the personal presence of the supervising attorney (or, exclusively in the case of government agencies, any deputy, assistant, or other staff

attorney authorized and designated by the supervising attorney); and

- (C) Obtains a signed consent form from the client on whose behalf the certified law student acts (or, exclusively in the case of government agencies, from the chief counsel or prosecuting attorney) approving the performance of such acts by such certified law student or generally by any certified law student;
- (3) Appear on behalf of the client in any public trial, hearing, arbitration, or proceeding, or before any arbitrator, court, public agency, referee, magistrate, commissioner, or hearing officer, to the extent approved by such arbitrator, court, public agency, referee, magistrate, commissioner, or hearing officer, provided that the certified law student:
- (A) Obtains the approval of the supervising attorney to engage in the activity;
- (B) Performs the activity under the direct and immediate supervision and in the personal presence of the supervising attorney (or, exclusively in the case of government agencies, any deputy, assistant, or other staff attorney authorized and designated by the supervising attorney);
- (C) Obtains a signed consent form from the client on whose behalf the certified law student acts (or, exclusively in the case of government agencies, from the chief counsel or prosecuting attorney) approving the performance of such acts by such certified law student or generally by any certified law student; and
- (D) As a condition to such appearance, either presents a copy of the consent form to the arbitrator, court, public agency, referee, magistrate, commissioner, or hearing officer, or files a copy of the consent form in the court case file; and
- (4) Appear on behalf of a government agency in the prosecution of criminal actions classified as infractions or other such minor criminal offenses with a maximum penalty or a fine equal to the maximum fine for infractions in California, including any public trial:
- (A) Subject to approval by the court, commissioner, referee, hearing officer, or magistrate presiding at such public trial; and
- (B) Without the personal appearance of the supervising attorney or any deputy, assistant, or other staff attorney authorized and designated by the supervising attorney, but only if the supervising attorney or the designated attorney has approved in writing the performance of such acts by the certified law student and is immediately available to attend the proceeding.

(Subd (d) amended effective January 1, 2007.)

(e) Failure to comply with program

A certified law student who fails to comply with the requirements of the State Bar Certified Law Student Program must have his or her certification withdrawn under rules adopted by the Board of Governors of the State Bar.

(Subd (e) amended effective January 1, 2007.)

(f) Fee and penalty

The State Bar has the authority to set and collect appropriate fees and penalties for this program.

(Subd (f) amended effective January 1, 2007.)

(g) Inherent power of Supreme Court

Nothing in these rules may be construed as affecting the power of the Supreme Court to exercise its inherent jurisdiction over the practice of law in California.

(Subd (g) amended effective January 1, 2007.)

Rule 9.42 amended and renumbered effective January 1, 2007; adopted as rule 983.2 by the Supreme Court effective December 29, 1993.

Colorado Student Practice Rule

COLORADO RULES OF CIVIL PROCEDURE
CHAPTER 18 RULES GOVERNING ADMISSION TO THE BAR

C.R.C.P. 226.5 (2013)

Rule 226.5. Legal Aid Dispensaries and Law Student Externs.

(1)

Legal Aid Dispensaries.

Students of any law school that maintains a legal-aid dispensary where poor or legally underserved persons receive legal advice and services shall, when representing the dispensary and its clients, be authorized to advise clients on legal matters and appear in any court or before any administrative tribunals or arbitration panel in this state as if licensed to practice law.

(2)

Law Student Externs.

A.

Practice by law student extern (formerly section 12-5-116.1)

(1) An eligible law student extern, as specified in section 2B, may appear and participate in any civil proceeding in any municipal, county, or district court (including domestic relations proceedings) or before any administrative tribunal in this state, or in any county or municipal court criminal proceeding, except when the defendant has been charged with a felony, or in any juvenile proceeding in any municipal, county or district court, or before any magistrate in any juvenile or other proceeding or any parole revocation under the following circumstances:

(a) If the person on whose behalf the extern is appearing has provided written consent to that appearance and the law student extern is under the supervision of a supervising lawyer, as specified in section 2D.

(b) When representing the office of the state public defender and its clients, if the person on whose behalf the extern is appearing has provided written consent to that appearance and the law student extern is under the supervision of the public defender or one of his deputies.

(c) On behalf of the state or any of its departments, agencies, or institutions, a county, a city, or a municipality, with the written approval and under the supervision of the attorney general, attorney for the state, county attorney, district attorney, city attorney, or municipal attorney. A general approval for the law student extern to appear, executed by the appropriate supervising attorney pursuant to this paragraph (c), shall be filed with the clerk of the applicable court/administrative tribunal and brought to the attention of the judge/presiding officer thereof.

(d) On behalf of a nonprofit legal services organization where poor or legally underserved persons receive legal advice and services if the person on whose behalf the student is appearing has provided written consent to that appearance and the law student extern is under the supervision of a supervising lawyer, as

specified in Section 2D.

(2) The consent or approval referred to in subsection (1) of this section, except a general approval, shall be made 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.

(3) In addition to the activities authorized in subsection (1) of this section, an eligible law student extern may engage in other activities under the general supervision of a supervising lawyer, including but not limited to the preparation of pleadings, briefs, and other legal documents which must be approved and signed by the supervising lawyer and assistance to indigent inmates of correctional institutions who have no attorney of record and who request such assistance in preparing applications and supporting documents for post conviction relief.

B.

Eligibility requirements for law student extern practice (formerly section 12-5-116.2)

(1) In order to be eligible to make an appearance and participate pursuant to section 2A, a law student must:

(a) Be duly enrolled in an ABA accredited law school, or a recent graduate of such a law school who has applied for admission to the Colorado Bar. For purposes of this rule, the "law student's" eligibility continues after graduation from law school and until the announcement of the results of the first bar examination following the student's graduation, provided for anyone who passes that examination, eligibility shall continue in effect through the date of the first swearing in ceremony following the examination.

(b) Have completed a minimum of two years of legal studies;

(c) Have the certification of the dean of such law school that the dean has no personal knowledge of or knows of nothing of record that indicates that the student is not of good moral character and, in addition, that the law student has completed the requirements specified in paragraph (b) of this subsection (1) and is a student in good standing, or recently graduated. The dean of such law school has no continuing duty to certify the student's good moral character after the student has graduated from law school [at that point, the law student/applicant to the Colorado Bar has obligations to maintain the integrity of the profession pursuant to [Colo. RPC 8.1](#)].

(d) Be introduced to the court or administrative tribunal in which the extern is appearing as a law student extern by a lawyer authorized to practice law in this state;

(e) Neither ask nor receive any compensation or remuneration of any kind for the extern's services from the person on whose behalf the extern renders services; but such limitation shall not prevent the law student extern from receiving credit for participation in the law school externship program upon prior approval of the law school, nor shall it prevent the law school, the state, a county, a city, a municipality, or the office of the district attorney or the public defender from paying compensation to the law school extern, nor shall it prevent any agency from making such charges for its services as it may otherwise

properly require; and

(f) State that the extern has read, is familiar with, and will be governed in the conduct of the extern's activities under section 2A by the Colorado Rules of Professional Conduct.

C.

Certification of law student extern by laws school dean-filing-effective period-withdrawal by dean or termination (formerly section 12-5-116.3)

(1) The certification by the law school dean, pursuant to section 2B(1)(c), required in order for a law student extern to appear and participate in proceedings:

(a) Shall be filed with the clerk of the Colorado Supreme Court Office of Attorney Registration, and unless it is sooner withdrawn, shall remain in effect until the student's graduation.

(b) May be withdrawn by the dean at any time by mailing a notice to that effect to the clerk of the Colorado Supreme Court Office of Attorney Registration, and such withdrawal may be without notice or hearing and without any showing of cause; and

(c) May be terminated by the supreme court at any time without notice or hearing and without any showing of cause.

D.

Qualifications and requirements of supervising lawyer (formerly section 12-5-116.4)

(1) A supervising lawyer, under whose supervision an eligible law student extern appears and participates pursuant to section 2A, shall be authorized to practice law in this state and:

(a) Shall be a lawyer working for or on behalf of an organization identified in sections 2A(1)(b)-(d);

(b) Shall assume personal professional responsibility for the conduct of the law student extern; and

(c) Shall assist the law student extern in the extern's preparation to the extent the supervising lawyer considers it necessary.

HISTORY: Source: Entire rule added and effective June 16, 2011.

Sec. 3-14. Legal Interns

An eligible legal intern may, under supervision by a member of the Connecticut bar as provided in Section 3-15, appear in court with the approval of the judicial authority or before an administrative tribunal, subject to its permission, on behalf of any person, if that person has indicated in writing his or her consent to the intern's appearance and the supervising attorney has also indicated in writing approval of that appearance.

(P.B. 1978-1997, Sec. 68.)

Sec. 3-15. —Supervision of Legal Interns

The member of the bar under whose supervision an eligible legal intern does any of the things permitted by these rules shall:

(1) be an attorney who has been admitted to the Connecticut bar for at least three years, or one who is employed by an attorney of five years' standing, or one who is employed by an accredited law school in Connecticut, or one who is approved as a supervising attorney by the presiding judge in the case at bar;

(2) assume personal professional responsibility for the intern's work;

(3) assist the intern in his or her preparation to the extent the supervising attorney considers necessary;

(4) be present in court with the intern.

(P.B. 1978-1997, Sec. 69.)

Sec. 3-16. —Requirements and Limitations

(a) In order to appear pursuant to these rules, the legal intern must:

(1) be certified by a law school approved by the American Bar Association or by the state bar examining committee of the superior court;

(2) have completed legal studies amounting to at least two semesters of credit in a three or four year course of legal studies, or the equivalent if the school is on some basis other than a semester basis except that the dean may certify a student under this section who has completed less than two semesters of credit or the equivalent to enable that student to participate in a faculty supervised law school clinical program;

(3) be certified by the dean of his or her law school as being of good character and competent legal ability;

(4) be introduced to the court in which he or she is appearing by an attorney admitted to practice in that court;

(5) comply with the provisions of Section 3-21 if enrolled in a law school outside the state of Connecticut.

(b) A legal intern may not be employed or compensated directly by a client for services rendered. This section shall not prevent an attorney, legal

aid bureau, law school, public defender agency or the state from compensating an eligible intern.

(P.B. 1978-1997, Sec. 70.) (Amended June 28, 1999, to take effect Jan. 1, 2000; amended June 22, 2009, to take effect Jan. 1, 2010.)

Sec. 3-17. —Activities of Legal Intern

(a) The legal intern, supervised in accordance with these rules, may appear in court or at other hearings in the following situations:

(1) where the client is financially unable to afford counsel; or

(2) where the intern is assisting a privately retained attorney; or

(3) where the intern is assisting an established legal aid bureau or organization, a public defender or prosecutor's office, or a state agency.

(b) In each case, the written consent and approval referred to in Section 3-14 shall be filed in the record of the case and shall be brought to the attention of the judicial authority or the presiding officer of the administrative tribunal.

(c) In addition, an intern may, under the supervision of a member of the bar:

(1) prepare pleadings and other documents to be filed in any matter;

(2) prepare briefs, abstracts and other documents.

(d) Each document or pleading must contain the name of the intern who participated in drafting it and must be signed by the supervising attorney.

(P.B. 1978-1997, Sec. 71.)

Sec. 3-18. —Certification of Intern

The certification of an intern by the law school dean:

(1) shall be filed with the clerk of the superior court in Hartford and, unless it is sooner withdrawn, shall remain in effect until the announcement of the results of the second Connecticut bar examination following the intern's graduation. For any intern who passes that examination, the certification shall continue in effect until the date of admission to the bar.

(2) shall terminate if the intern, prior to graduation, is no longer duly enrolled in an accredited law school.

(3) may be terminated by the dean at any time by mailing a notice to that effect to the clerk of the superior court in Hartford and to the intern. It is not necessary that the notice to the superior court state the cause for termination.

(4) may be terminated by the superior court at any time upon notice to the intern, to the dean and to the superior court in Hartford.

(P.B. 1978-1997, Sec. 72.)

Sec. 3-19. —Legal Internship Committee

There shall be established a legal internship committee appointed by the chief justice and composed of four judges, four practicing attorneys, three law professors, and three law students. This committee shall consult with the deans of law schools located in Connecticut, review the progress of the legal internship program, and consider any complaints or suggestions regarding the program.

(P.B. 1978-1997, Sec. 73.)

Sec. 3-20. —Unauthorized Practice

Nothing contained in these rules shall affect the right of any person who is not admitted to the practice of law to do anything that he or she might lawfully do prior to their adoption, nor shall they enlarge the rights of persons, not members of the bar or legal interns covered by these rules, to

engage in activities customarily considered to be the practice of law.

(P.B. 1978-1997, Sec. 74.)

Sec. 3-21. —Out-of-State Interns

A legal intern who is certified under a legal internship program or student practice rule in another state or in the District of Columbia may appear in a court or before an administrative tribunal of Connecticut under the same circumstances and on the same conditions as those applicable to certified Connecticut legal interns, if the out-of-state intern files with the clerk of the superior court in Hartford, with a copy to the legal internship committee, a certification by the dean of his or her law school of his or her admission to internship or student practice in that state or in the District of Columbia, together with the text of that state's or the District of Columbia's applicable statute or rule governing such admissions.

(P.B. 1978-1997, Sec. 75.)

Rules of the Supreme Court of the State of Delaware

Rule 56. Admission of Eligible Law Student to limited practice as a legal intern.

(a) Limited practice as legal intern. Notwithstanding the provisions of any other Rule of this Court or the Delaware State Board of Bar Examiners to the contrary, an Eligible Law Student, as hereinafter defined, may appear in the Family Court, the Court of Common Pleas, the Justice of the Peace Courts and before the State Human Relations Commission, in the following proceedings, subject to the following conditions.

(1) Family Court. In the Family Court in proceedings:

(i) Civil matters. In all civil matters;

(ii) Criminal matters.

(A) Arbitration. In arbitration or mediation;

(B) Commissioner and Master. Before a Commissioner or Master;

(C) Judge. On appeal from the foregoing to a Judge of the Family Court.

(2) Court of Common Pleas. Before the Court of Common Pleas in any case involving any offense set forth in Title 21 of the Delaware Code except driving a vehicle while under the influence of alcohol offenses and cases where a person sustained a serious physical injury.

(3) Justice of the Peace. In the Justice of the Peace Courts in any matter.

(4) Human Relations Commission. Before the State Human Relations Commission in all proceedings within its jurisdiction.

(5) Environmental Appeals Board. Before the Environmental Appeals Board in all proceedings within its jurisdiction.

(6) Written consent. Before an Eligible Law Student shall begin such representation, the party to be represented shall consent thereto by executing form I attached hereto, which shall be witnessed by the supervising attorney or by the presiding Master or Justice of the Peace and filed in the record of the proceedings.

(b) Eligibility of students.

(1) Definition. An "Eligible Law Student" under this rule is a student registered and attending an American Bar Association approved law school who has successfully completed four semesters as a full-time law student. Such Eligible Law Student must be certified by the Dean of the law school as being of good character and competent legal ability and eligible to participate in the legal intern program. Certification is to be made on Form II, attached hereto, and filed with the Clerk of the Supreme Court.

(2) Supervision. In any appearance of an Eligible Law Student, the student shall be supervised by an attorney of an agency specified in paragraph (e) hereof, duly admitted to practice in this State, who shall appear as counsel of record. Such attorney shall be personally present in any proceeding before a Judge of the Family Court or Court of Common Pleas unless such personal appearance is waived by the Family Court or Court of Common Pleas.

(3) Certification. In all appearances, the Eligible Law Student shall file with the Court or the Commission in which the student appears a written certification from the student's supervisor indicating the name of the student and supervisor and case or cases in which the Eligible Law Student is authorized to appear.

(4) Oath. An Eligible Law Student shall file the oath or affirmation attached hereto as Form III prior to any appearance. The supervising attorney shall witness such oath or affirmation and file it with the Clerk of the Supreme Court.

(c) Compensation prohibited. An Eligible Law Student may neither ask for nor receive any compensation or remuneration of any kind for the student's services from or on behalf of, the person for whom the student renders services. This shall not prevent the student from receiving compensation from any agency listed under Paragraph (e) hereof, nor shall this prevent any agency from making such charges and payments for its services as it may otherwise properly require or receive as statutory fees and allowances.

(d) Supervision. The member of the Bar under whose supervision an Eligible Law Student does any of the things permitted by this Rule shall:

(1) File oath. Witness and file the oath or affirmation with the Clerk of this Court.

(2) Consent to representation. Witness the Consent to Representation on Form I as required pursuant to paragraph (a) of this Rule.

(3) Personal professional responsibility. Assume personal professional responsibility for the student's guidance in any work undertaken and for supervising the quality of the student's work.

(4) Preparatory assistance. Assist the Eligible Law Student in the student's preparation to the extent that the supervising lawyer considers it necessary.

(e) Supervision and placement. Supervision and student placement under this Rule shall be in and by the following agencies only:

(1) Attorney General's Office of the State of Delaware

(2) Public Defender

(3) An organized legal aid or legal assistance program sponsored, approved or recognized by the State Board of Bar Examiners.

(4) Office of the Child Advocate.

(f) Coordination. The Dean of the law school at which an Eligible Law Student is registered or the head of any listed in Paragraph (e) of this Rule shall act as coordinator of an Eligible Law Student under this Rule.

(g) Certification. The certification of an Eligible Law Student

(1) Duration. Shall remain in effect, unless sooner withdrawn, until the announcement of the results of the first Delaware Bar Examination following the student's graduation, if registered to sit for that examination, or if not until graduation from the law school. For any student who passes that examination, the certification shall continue in effect until the date the student is admitted to the Bar.

(2) Withdrawal. May be withdrawn by the Dean at any time by mailing a notice to that effect to the Dean of the law school at which the student is registered and to the Clerk of this Court. It is not necessary that the notice state the cause for withdrawal.

(3) Termination. May be terminated at any time, without hearing and without any showing of cause, by this Court, the Dean of the law school at which the student is registered or the head of the agency in which the student is being supervised.

Rules of the United States District Court for the District of Columbia
LCvR 83.4
PRACTICE BY LAW STUDENTS

(a) **ACTIVITIES.**

A law student certified pursuant to this Rule may:

(1) Enter an appearance in this court in any criminal or civil case if the client on whose behalf the law student is appearing has consented in writing to that appearance, and a "supervising lawyer", as hereinafter defined, has also indicated written approval of that appearance.

(2) Engage in activities on behalf of the client in all ways that a licensed attorney may, under the general supervision of the supervising lawyer; however, a student may make no binding commitments on behalf of a client absent prior client and supervisory approval; and in any matters, including depositions, in which testimony is taken the student must be accompanied by the supervising lawyer. Documents or papers filed with the court must be read, approved, and co-signed by the supervising lawyer.

(3) The court retains the authority to establish exceptions to such activities, and also to limit a student's participation in any individual case.

(b) **STUDENT, PROGRAM and SUPERVISOR REQUIREMENTS.**

(1) **STUDENT REQUIREMENTS.**

In order to be certified pursuant to this Rule a law student shall:

(i) Be a law student in good standing, enrolled in and attending a law school approved by the American Bar Association;

(ii) Have completed at least four semesters of legal studies, or the equivalent;

(iii) Have knowledge of the Federal Rules of Civil and Criminal Procedure, Evidence, and the Code of Professional Responsibility;

(iv) Be enrolled for credit in a law school clinical program which has been certified by this court;

(v) Be certified by the dean of the law school, or the dean's designee, as being of good character and sufficient legal ability, and as being adequately trained, in accordance with paragraphs (i)-(iv) above, to fulfill the responsibilities as a legal intern to both the client and the court;

(vi) Be certified by this court to practice pursuant to this Rule;

(vii) Neither ask for nor receive any fee or compensation of any kind from the client on whose behalf service is rendered, nor under the Criminal Justice Act, under this Rule; but this shall not prevent a lawyer, legal aid bureau, law school, public defender agency or the government 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.

(2) **PROGRAM REQUIREMENTS.**

- (i) The program;
- (ii) Must be a law school clinical practice program for credit, in which a law student obtains academic and practice advocacy training, utilizing attorneys certified by the dean of the law school for practice supervision;
- (iii) Must be certified by this court;
- (iv) Must be conducted in such a manner as not to conflict with normal court schedules;
- (v) May accept compensation other than from a client such as Criminal Justice Act (CJA) payments;
- (vi) Must maintain malpractice insurance for its activities.

(3) SUPERVISOR REQUIREMENTS.

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

- (i) Be a member in good standing of the Bar of this court;
 - (aa) Have faculty or adjunct faculty status at the responsible law school and be certified by the dean of the law school as being of good character and sufficient legal ability and as being adequately trained to fulfill the responsibilities of a supervisor; or
 - (bb) Be a member of the Bar of this court for at least two years, who after the certification by the dean of the law school as being of good character and adequately trained to fulfill the responsibilities of a supervisor, is determined by the court to be competent to carry out the role of supervising attorney;
- (ii) Be certified by this court as a student supervisor;
- (iii) Be present with the student at all times in court, and at other proceedings in which testimony is taken;
- (iv) Co-sign all pleadings or other documents filed with the court;
- (v) Supervise concurrently no more than 10 students carrying clinical practice as their entire academic program, with a proportionate increase in the number of students as their percentage of time devoted to clinical practice may be less;
- (vi) Assume full personal professional responsibility for student's guidance in any work undertaken and for the quality of a student's work, and be available for consultation with represented clients;
- (vii) Assist and counsel the student in activities mentioned in this Rule, and review such activities with the student, all to the extent required for the proper practical training of the student and the protection of the client;
- (viii) Be responsible to supplement oral or written work of the student as necessary to ensure proper representation of the client

(c) CERTIFICATION OF STUDENT, PROGRAM AND SUPERVISOR.

(1) STUDENT:

Certification by the law school dean and approval by the Court shall be filed with the Clerk, and unless it is sooner withdrawn, shall remain in effect until expiration of 18 months;

(i) Certification to appear in a particular case may be withdrawn by the court at any time, in the discretion of the court, and without any showing of cause.

(2) PROGRAM:

(i) Certification of a program by the court shall be filed with the Clerk and shall remain in effect indefinitely unless withdrawn by the court;

(ii) Certification of a program may be withdrawn by the court at the end of any academic year without cause, or at any time, provided notice stating the cause for such withdrawal is furnished to the law school dean and supervisor.

(3) SUPERVISOR:

(i) Certification of a supervisor must be filed with the Clerk, and shall remain in effect indefinitely unless withdrawn by the court;

(ii) Certification of a supervisor may be withdrawn by the court at the end of any academic year without cause, or at any time upon notice and a showing of cause;

(iii) Certification of a supervisor may be withdrawn by the dean by mailing a notice to that effect to the Clerk.

Rules Regulating the Florida Bar

CHAPTER 11. RULES GOVERNING THE LAW SCHOOL PRACTICE PROGRAM

11-1. GENERALLY

RULE 11-1.1 PURPOSE

The bench and the bar are primarily responsible for providing competent legal services for all persons, including those unable to pay for these services. As one means of providing assistance to lawyers who represent clients unable to pay for such services and to encourage law schools to provide clinical instruction in trial work of varying kinds, the following rules are adopted.

Amended April 21, 1994 (635 So.2d 968).

RULE 11-1.2 ACTIVITIES

(a) Definition. A law school practice program is a credit-bearing clinical program coordinated by a law school in which students directly provide representation to clients in litigation under the supervision of a lawyer.

(b) Appearance in Court or Administrative Proceedings. An eligible law student may appear in any court or before any administrative tribunal in this state on behalf of any indigent person if the person on whose behalf the student is appearing has indicated in writing consent to that appearance and the supervising lawyer has also indicated in writing approval of that appearance. In those cases in which the indigent person has a right to appointed counsel, the supervising attorney shall be personally present at all critical stages of the proceeding. In all cases, the supervising attorney shall be personally present when required by the court or administrative tribunal who shall determine the extent of the eligible law student's participation in the proceeding.

(c) Appearance for the State in Criminal Proceedings. An eligible law student may also appear in any criminal matter on behalf of the state with the written approval of the state attorney or the attorney general and of the supervising lawyer. In such cases the supervising attorney shall be personally present when required by the court who shall determine the extent of the law student's participation in the proceeding.

(d) Appearance on Behalf of Governmental Officers or Entities. An eligible law student may also appear in any court or before any administrative tribunal in any civil matter on behalf of the state, state officers, or state agencies or on behalf of a municipality or county, provided that the municipality or county has a full-time legal staff, with the written approval of the attorney representing the state, state officer, state agency, municipality, or county. The attorney representing the state, state officer, state agency, municipality, or county shall supervise the law student and shall be personally present when required by the court or administrative tribunal, which shall determine the extent of the law student's participation in the proceeding.

(e) Filing of Consent and Approval. 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. If the client is the state attorney, state officer, or governmental entity, it shall be sufficient to file the written consent and approval with the clerk and each presiding judge once for the term of the student's participation.

(f) Fixing of Standards of Indigence. The board of governors shall fix the standards by which indigence is determined under this chapter upon the recommendation of the largest voluntary bar association located in the circuit in which a program is implemented hereunder.

Amended April 2, 1992 (596 So.2d 453); July 23, 1992, effective Jan. 1, 1993 (605 So.2d 252); April 21, 1994 (635 So.2d 968).

RULE 11-1.3 REQUIREMENTS AND LIMITATIONS

In order to make an appearance pursuant to this chapter, the law student must:

(a) have registered with the Florida Board of Bar Examiners as a certified legal intern registrant; have paid the \$75 fee for such registration if the registration is completed within the first 250 days of the registrant's law school education or \$150 if the registration is filed after the 250-day deadline; and have received a letter of clearance as to character and fitness from the Florida Board of Bar Examiners; any fee paid under this subdivision shall be deducted from the applicable application fee should the certified legal intern registrant subsequently decide to apply for admission to The Florida Bar;

(b) be duly enrolled in the United States in, and appearing as part of a law school practice program of, a law school approved by the American Bar Association;

(c) have completed legal studies amounting to at least 4 semesters or 6 quarters for which the student has received not less than 48 semester hours or 72 quarter hours of academic credit or the equivalent if the school is on some other basis;

(d) be certified by the dean of the student's law school as being of good character and competent legal ability and as being adequately trained to perform as a legal intern in a law school practice program;

(e) be introduced to the court in which the student is appearing by an attorney admitted to practice in that court;

(f) neither ask for nor receive any compensation or remuneration of any kind for the student's services from the person on whose behalf the student renders services, but this shall not prevent a state attorney, public defender, legal aid organization, or state officer or governmental entity from paying compensation to the eligible law student (nor shall it prevent any of the foregoing from making such charge for its services as it may otherwise require); and

(g) certify in writing that the student has read and is familiar with the Rules of Professional Conduct as adopted by this court and will abide by the provisions thereof.

Amended July 23, 1992, effective Jan. 1, 1993 (605 So.2d 252); April 21, 1994 (635 So.2d 968); July 5, 2007, effective August 1, 2007 (SC03-122), (964 So.2d 690).

RULE 11-1.4 CERTIFICATION OF STUDENT

The certification of a student by the law school dean:

(a) Shall be filed with the clerk of this court, and, unless it is sooner withdrawn, it shall remain in effect until the expiration of 18 months after it is filed.

(b) 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 for withdrawal.

(c) May be terminated by this court at any time without notice or hearing and without any showing of cause. Notice of the termination may be filed with the clerk of the court.

Amended July 23, 1992, effective Jan. 1, 1993 (605 So.2d 252); April 21, 1994 (635 So.2d 968).

RULE 11-1.5 APPROVAL OF LEGAL AID ORGANIZATION

Legal aid organizations that provide a majority of their legal services to the indigent and use law student interns pursuant to this chapter must be approved by the supreme court. A legal aid organization seeking approval shall file a petition with the clerk of the court certifying that it is a nonprofit organization and reciting with specificity:

- (a) the structure of the organization and whether it accepts funds from its clients;
- (b) the major sources of funds used by the organization;
- (c) the criteria used to determine potential clients' eligibility for legal services performed by the organization;
- (d) the types of legal and nonlegal services performed by the organization; and
- (e) the names of all members of The Florida Bar who are employed by the organization or who regularly perform legal work for the organization.

Legal aid organizations approved on the effective date of this chapter need not reapply for approval, but all such organizations are under a continuing duty to notify the court promptly of any significant modification to their structure or sources of funds.

Added April 21, 1994 (635 So.2d 968); amended July 5, 2007, effective August 1, 2007 (SC03-122), (964 So.2d 690).

RULE 11-1.6 OTHER ACTIVITIES

(a) Preparation of Documents; Assistance of Indigents. 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 signed by the supervising lawyer;
- (3) except when the assignment of counsel in the matter is required by any constitutional provision, statute, or rule of this court, assistance to indigent inmates or correctional institutions or other persons who request such assistance in preparing applications for and supporting documents for postconviction 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.

(b) Identification of Student in Documents and Pleadings. Each document or pleading must contain the name of the eligible law student who has participated in drafting it. If the student participated in drafting only a portion of it, that fact may be mentioned.

(c) Participation in Oral Argument. An eligible law student may participate in oral argument in appellate courts but only in the presence of the supervising lawyer.

Former Rule 11-1.5. Amended July 23, 1992, effective Jan. 1, 1993 (605 So.2d 252); renumbered and amended April 21, 1994 (635 So.2d 968).

RULE 11-1.7 SUPERVISION

The member of the bar under whose supervision an eligible law student does any of the things permitted by this chapter shall:

- (a) be a lawyer whose service as a supervising lawyer for this program is approved by the dean of the law school in which the law student is enrolled and who is a member of The Florida Bar in good standing;

(b) be a lawyer employed by a state attorney, public defender, an approved legal aid organization, a state officer, or a governmental entity enumerated in rule 11-1.2(d).

(c) assume personal professional responsibility for the student's guidance in any work undertaken and for supervising the quality of the student's work; and

(d) assist the student in the student's preparation to the extent the supervising lawyer considers it necessary.

Former Rule 11-1.5. Amended July 23, 1992, effective Jan. 1, 1993 (605 So.2d 252); renumbered and amended April 21, 1994 (635 So.2d 968).

RULE 11-1.8 MISCELLANEOUS

Nothing contained in this chapter shall affect the right of any person who is not admitted to the practice of law to do anything that the person might lawfully do prior to the adoption of this chapter.

Former Rule 11-1.5. Amended July 23, 1992, effective Jan. 1, 1993 (605 So.2d 252); renumbered and amended April 21, 1994 (635 So.2d 968).

RULE 11-1.9 CONTINUATION OF PRACTICE PROGRAM AFTER COMPLETION OF LAW SCHOOL PROGRAM OR GRADUATION

(a) Certification. A law student at an American Bar Association approved Florida law school who has filed an application for admission to The Florida Bar, has received an initial clearance letter as to character and fitness from the Florida Board of Bar Examiners, has completed a law school practice program awarding a minimum of 3 semester credit hours or the equivalent or requiring at least 200 hours of actual participation in the program, and has had certification withdrawn by the law school dean by reason of successful completion of the program or has graduated from law school following successful completion of the program may make appearances for any of the same supervisory authorities under the same circumstances and restrictions that were applicable to students in law school programs pursuant to this chapter if the supervising attorney:

(1) files a certification in the same manner and subject to the same limitations as that required to be filed by the law school dean and files a separate certificate of the dean stating that the law student has successfully completed the law school practice program. This certification may be withdrawn in the same manner as provided for the law school dean's withdrawal of certification. The maximum term of certification for graduates shall be 12 months from graduation; and

(2) further certifies that the attorney will assume the duties and responsibilities of the supervising attorney as provided by other provisions of this chapter.

(b) Graduates of Non-Florida Law Schools. A graduate of an American Bar Association approved non-Florida law school may qualify for continuation if the graduate has made application for admission to The Florida Bar and received a letter of initial clearance as to character and fitness from the Florida Board of Bar Examiners, and has successfully completed a clinical program in law school that met the definition of a law school practice program under rule 11-1.2(a) and that awarded a minimum of 3 semester hours or the equivalent or required at least 200 hours of actual participation in the program.

(c) Termination of Certification. Failure of a post-graduate certified legal intern to do any of the following shall result in the automatic termination of certification:

(1) failure to take the next available Florida bar examination;

(2) failure to take the second available Florida bar examination, if unsuccessful on the first administration;

(3) failure to pass every portion of the Florida bar examination by at least the second administration, if unsuccessful on the first administration; or

(4) denial of admission to The Florida Bar.

Former Rule 11-1.8. Amended effective June 4, 1992, (602 So.2d 914); amended July 23, 1992, effective Jan. 1, 1993 (605 So.2d 252); renumbered and amended April 21, 1994 and July 7, 1994 (635 So.2d 968); amended July 5, 2007, effective August 1, 2007 (SC03-122), (964 So.2d 690).

RULE 11-1.10 CERTIFICATION OF MEMBERS OF OUT-OF-STATE BARS

(a) Persons Authorized to Appear. A member of an out-of-state bar may practice law in Florida pursuant to this chapter if:

(1) the appearance is made as an employee of the attorney general, a state attorney, a public defender, or the capital collateral representative; and

(2) the member of an out-of-state bar has made application for admission to The Florida Bar; and

(3) the member of an out-of-state bar submits to the jurisdiction of the Supreme Court of Florida for disciplinary purposes; and

(4) the member of an out-of-state bar is in good standing with that bar and is not currently the subject of disciplinary proceedings.

(b) Term of Certification. The maximum term of certification under this section shall be 12 months from the date of certification; provided, however, that the certification may extend beyond 12 months if the certificate holder has passed the Florida bar examination and is awaiting the results of the character and fitness evaluation of the Florida Board of Bar Examiners.

Certification may be withdrawn in the same manner as provided for the withdrawal of certification by a law school dean.

(c) Termination of Certification. Failure to take the next available Florida bar examination, failure of any portion of the Florida bar examination, or denial of admission to The Florida Bar shall terminate certification hereunder.

Added April 21, 1994(635 So.2d 968).

RULES OF THE SUPREME COURT OF GEORGIA

XV. THIRD-YEAR LAW STUDENTS

Rule 91. An authorized third-year law student, when under the supervision of the Attorney General, a district attorney, a solicitor general of a state court, a solicitor of a municipal court, a public defender, or a licensed practicing attorney who works or volunteers for a court or for a not-for-profit organization which provides free legal representation to indigent persons or children may assist in proceedings within this state as if admitted and licensed to practice law in this state.

Rule 92. All pleadings and other entries of record must also be signed by the Attorney General, district attorney, solicitor general, solicitor, public defender, or duly appointed assistant attorney general, assistant district attorney, assistant solicitor general, assistant solicitor, assistant public defender, or licensed practicing attorney as described in Rule 91. In the conduct of any grand jury investigation, administrative proceeding, hearing, trial, or other proceeding, such Attorney General, district attorney, solicitor general, solicitor, public defender, or duly appointed assistant attorney general, assistant district attorney, assistant solicitor general, assistant solicitor, assistant public defender, or licensed practicing attorney as described in Rule 91 must be physically present.

Rule 93. An eligible third-year law student is a student regularly enrolled and in good standing in a law school in this state, or an accredited law school located outside of this state, who has satisfactorily completed at least two-thirds of the requirements for the first professional degree in law, a J.D. or its equivalent, in not less than four semesters or six quarters of residence.

Any third-year law student eligible to assist the Attorney General, district attorney, solicitor general, solicitor, or public defender under this Rule is not required to possess the qualifications for appointment to the office of Attorney General, district attorney, solicitor general, solicitor, public defender, or assistant attorney general, assistant district attorney, assistant solicitor general, assistant solicitor, or assistant public defender.

Rule 94. An eligible third-year law student may be authorized to participate in the proceedings in such form and manner as the judge of the court where such authority is to be exercised may prescribe, if these requirements and the good moral character of the third-year law student are properly certified by the dean of the student's law school. Before entering an order authorizing a student to assist the Attorney General, district attorney, solicitor general, solicitor, or public defender, the judge shall further require of the student an oath similar to the oath required by the Attorney General, a district attorney, a solicitor general, a solicitor, or a public defender.

As to each third-year law student authorized to assist the Attorney General, district attorney, solicitor general, solicitor, public defender or licensed practicing attorney as described in Rule 91, there shall be kept on file in the office of the clerk of the court where such authority is to be exercised, the dean's certificate, the student's oath if required, and the judge's order.

Rule 95. The authority to assist the Attorney General, district attorney, solicitor general, solicitor, public defender, or licensed practicing attorney as described in Rule 91 shall extend for no longer than one year. If during this period any change occurs in the student's law school enrollment status, such authority shall terminate and be revoked.

Rule 96. A licensed practicing attorney as described in Rule 91, who is supervising law students under this Rule, shall ensure that at all times the student is covered by an adequate amount of malpractice insurance.

RULES OF THE SUPREME COURT OF THE STATE OF HAWAI'I

Rule 7. SUPERVISED STUDENT PRACTICE OF LAW.

7.1. Definitions.

(a) A "law student intern" is a person who is enrolled and in good standing as an undergraduate at the University of Hawai'i School of Law, who has completed legal studies amounting to one-third (1/3) of the requirements for graduation from that law school, who is enrolled in a clinical program at that law school, and with respect to whom the order referred to in Rule 7.3(b) is in effect.

(b) A "clinical program" is a practice-oriented law activity administered under the direction of a faculty member of the University of Hawai'i School of Law, participation in which activity entitles qualified law students to receive academic credit

(c) A "supervising lawyer" is a member of the bar of this court who has been approved as a supervisor of law student interns by the University of Hawai'i School of Law.

(Renumbered September 1984.)

7.2. Activities of law student interns.

(a) In connection with a clinical program, a law student intern may appear in any court or before any legislative or administrative tribunal in this state on behalf of a client, provided:

- (1) that the client has consented in writing to such appearance; and
- (2) that a supervising lawyer has indicated in writing approval of such appearance.

In every such appearance the law student intern shall be accompanied by a supervising lawyer, unless the court or tribunal consents to the law student intern appearing without a supervising lawyer.

(b) Unless prohibited by statute or ordinance, a law student intern may also appear in any matter on behalf of the United States, the State of Hawai'i, or any state political subdivision, subject to the requirements of subsection (a) of this section.

(c) In every such appearance by a law student intern, the written consents and approvals referred to in subsection (a) of this section shall be filed in the record of the court or tribunal and shall be brought to the attention of the judge or presiding officer.

(Renumbered September 1984.)

7.3. Qualification procedures for law student interns.

(a) To become a law student intern, each eligible person shall file with the clerk of this court a typewritten application setting forth, together with such other information as may be required by this court or the Bar, the applicant's name and age, that the applicant is enrolled and in good standing as an undergraduate at the University of Hawai'i School of Law, that the applicant has completed one-third (1/3) of the requirements for graduation therefrom, that the applicant has read and is familiar with the Hawai'i Rules of Professional Conduct attached to Rule 2, and that the applicant is enrolled in a clinical program at the University of Hawai'i School of Law. A letter from the dean of the University of Hawai'i School of Law certifying that the applicant is in good academic standing as stated in the application and appears to be competent to engage in the activities of law student interns as defined by this rule must accompany each application.

(b) The clerk of this court shall review applications and make recommendations to this court as to which applicants should be designated as qualified law student interns. This court shall issue an order designating each applicant which it finds to be qualified as a law student intern, subject to taking such oath of office as may be prescribed.

(Renumbered September 1984; amended October 27, 1989, effective November 1, 1989, subject to transitional orders; further amended February 7, 1992, effective February 7, 1992; further amended December 6, 1993, effective January 1, 1994.)

7.4. Duration of law student intern authorization and compensation limitations.

(a) Unless the order referred to in Rule 7.3(b) is revoked or modified, it shall remain in effect so long as the law student intern is enrolled as an undergraduate in a clinical program at the University of Hawai'i School of Law, and shall cease to be in effect upon any termination of such enrollment. However, after the clinical semester ends, the law student intern may continue to represent a client in cases initiated before the semester ended if such representation is deemed appropriate by the supervising lawyer.

(1) The certification referred to in Rule 7.3(a) may be withdrawn by the dean by notice to that effect to the clerk of this court. It is not necessary that such notice state the cause for withdrawal. Upon receipt of such notice, the order referred to in Rule 7.3(b) shall be automatically revoked.

(2) The order referred to in Rule 7.3(b) with respect to any law student intern may be terminated by this court for cause consisting of violation of this rule or any act or omission which, on the part of an attorney, would constitute misconduct and ground for discipline under Rule 2. The effectiveness of such order may be suspended by this court during any proceedings to terminate such order.

(b) A law student intern shall neither ask for nor receive any compensation or remuneration of any kind for services rendered to a client, but this shall not prevent a lawyer, a law school or public agency from paying compensation to a law student intern or from making such charges for services as such lawyer, law school or public agency may otherwise properly require.

(Renumbered September 1984; amended October 27, 1989, effective November 1, 1989, subject to transitional orders; further amended February 7, 1992, effective February 7, 1992.)

7.5. Other law student intern activities.

(a) Any law student intern may, with the knowledge and approval of a supervising lawyer and the client, engage in the following activities:

(1) Counseling and advising clients, interviewing and investigating witnesses, negotiating the settlement of claims, and preparing and drafting legal instruments, pleadings, briefs, abstracts and other documents. Any document requiring signature of counsel, and any settlement or compromise of a claim, must be signed by a supervising lawyer.

(2) Rendering assistance to clients who are inmates of penal institutions or other clients who request such assistance in preparing applications for and supporting documents for post-conviction legal remedies.

(Renumbered September 1984.)

7.6. Supervision of law student practice.

The supervising lawyer shall counsel and assist the law student who practices law pursuant to this rule, and shall provide professional guidance in every phase of such practice with special attention to matters of professional responsibility and legal ethics.

(Renumbered September 1984.)

7.7. Miscellaneous.

(a) Law students practicing pursuant to this rule shall be governed by the rules of conduct applicable to lawyers generally, but the termination of practice referred to in Rule 7.4(a)(2) shall be the exclusive sanction for disciplinary infractions which occur during authorized practice; except that such disciplinary infractions may be considered by a court or agency authorized to entertain applications for admission to the practice of law.

(b) Nothing contained in this rule shall affect the right of any person to do anything that he or she might lawfully do were this rule not in existence.

(c) **Immunity.** Except for use by an attorney admission or disciplinary authority or judicial selection authority of any jurisdiction in which the applicant is admitted to practice or seeks to practice, applications and other information submitted to this court shall be absolutely privileged and no lawsuit predicated thereon may be instituted. Members of this court and the staff performing duties and functions under this rule shall be immune from suit and liability for any conduct in the course of their official duties.

(Amended December 29, 1980, effective January 1, 1981, renumbered September 1984; further amended October 27, 1989, effective November 1, 1989, subject to transitional orders; further amended February 7, 1992, effective February 7, 1992.)

Idaho Bar Commission Rules

RULE 226. Legal Intern License.

- (a) Admission to Limited Practice as Legal Intern. Upon application and approval in accordance with this rule, qualified law students and recent law school graduates may be admitted as legal interns to engage in the limited practice of law described below.
- (b) Qualifications of Legal Intern. To qualify for a legal intern license, the Applicant must:
- (1) Be a student duly enrolled and in good academic standing at an Approved Law School, with completed legal studies totaling not less than two-thirds of a prescribed three-year course of study and the written approval of the Applicant's law school dean or the dean's designee; or
 - (2) Have graduated from an Approved Law School within twelve months of applying for a legal intern license and show proof of graduation and the date thereof.
- (c) Application. The Applicant shall submit an Application to the Executive Director on a form provided by the Bar that includes:
- (1) The Applicant's certification, under oath, that he or she has read, is familiar with and shall abide by the Idaho Rules of Professional Conduct;
 - (2) Identification of any state or territory of the United States or the District of Columbia in which the Applicant has been granted a legal intern license prior to applying for licensure in Idaho and, if such legal intern license has ever been revoked, the date and reasons for the revocation; and
 - (3) Proof of the date of graduation from an Approved Law School or written approval of the Application by the Applicant's law school dean or designee, provided:
 - (A) The dean's written approval may be withdrawn at any time by written notice from the law school dean or designee to the Clerk of the Supreme Court and the Executive Director; and
 - (B) If the Applicant is currently a law student, such approval shall be withdrawn if the student ceases to be duly enrolled prior to graduation or ceases to be in good academic standing;
 - (4) The name, address, telephone number and signature of the supervising attorney; and
 - (5) A \$25 Application fee.
- (d) Procedure.
- (1) Action by Executive Director. The Executive Director shall approve or deny each Application for a legal intern license as follows:
 - (A) The Executive Director may deny an Application based upon the Applicant's failure to meet the qualifications for licensure, or provide requested information, or for character and fitness issues. If the Application is denied, the Executive Director shall send notice of the denial and the basis of the denial to the Applicant.
 - (B) The Executive Director shall forward all approved Applications to the Supreme Court for further consideration. Approval by the Executive Director shall not constitute a finding of good moral character and fitness for purposes of meeting the qualifications to take the bar examination or for admission to practice law.
 - (2) Action by Supreme Court. Upon receipt of an Application approved by the Executive Director, the Supreme Court may issue the legal intern license or deny the Application. Supreme

Court approval shall not constitute a finding of good moral character and fitness for purposes of meeting the qualifications to take the bar examination or for admission to practice law.

(e) Term of Legal Intern License. A legal intern license shall be granted for a definite period of time not to exceed twelve consecutive months, provided:

- (1) If the Applicant passes the first bar examination after graduation, the legal intern license shall terminate upon admission at the next scheduled admission ceremony; or
- (2) If the Applicant fails the first bar examination after graduation, the legal intern license shall terminate on the date the bar examination results are issued.

(f) Scope of Legal Intern Practice. A legal intern may:

- (1) Advise or negotiate on behalf of a person referred to the legal intern by the supervising attorney with the client's informed consent, confirmed in writing;
- (2) Prepare pleadings, motions, briefs or other documents;
- (3) Participate in any civil and criminal proceedings if the supervising attorney is present;
- (4) Participate in proceedings before a court of general jurisdiction, without the presence of the supervising attorney, if:
 - (A) The proceedings are ex parte; or
 - (B) The facts and the resulting order are based upon a stipulation between the parties to the proceeding; and
- (5) Participate in proceedings before a court of limited jurisdiction, without the presence of the supervising attorney, if:
 - (A) The proceedings involve an infraction or misdemeanor, proceedings tried without a jury, juvenile proceedings, ex parte proceedings or civil proceedings; and
 - (B) The supervising attorney has filed a certificate in each case with the presiding judge or magistrate, certifying that the legal intern:
 - (i) Has participated in at least three similar actions under the direct supervision and control of the supervising attorney;
 - (ii) Is fully prepared to present the matter; and
 - (iii) Has the informed consent of the client, confirmed in writing, to appear on behalf of that client.

(g) Responsibility. The supervising attorney and legal intern are responsible to the court, the Bar, the Supreme Court and the client for all services of the legal intern provided pursuant to this rule.

(h) Authority of the Court. The court may exclude a legal intern from active participation in proceedings.

(i) Termination of Legal Intern License.

- (1) Failure by the legal intern to perform any of the following duties shall be grounds for the immediate termination of the legal intern license:
 - (A) Abide by the Idaho Rules of Professional Conduct and all other laws and rules governing lawyers admitted to the Bar;
 - (B) Advise the client of the license status of the legal intern prior to performing any services for the client;
 - (C) Advise the court in each case of the license status of the legal intern prior to appearing before the court; and
 - (D) Keep the supervising attorney, Supreme Court and Bar advised of the legal intern's current residence at all times.

(2) The Supreme Court may terminate a legal intern license at any time on the Supreme Court's own motion, on motion of the supervising attorney or the Board, or on motion of the legal intern and surrender of the legal intern license. The Supreme Court may rule on any such motion ex parte.

(j) Compensation. A legal intern shall not receive payment directly from a client for services rendered, provided however, that the employer or supervising attorney may compensate the legal intern for his or her services and may charge for services rendered by the legal intern as may otherwise be proper.

(k) Termination of Activity. A legal intern shall not perform any services as a legal intern and shall not hold himself or herself out as a legal intern upon:

- (1) Cessation of any of the conditions on which the legal intern license was issued;
- (2) Termination of the legal intern license;
- (3) Resignation of the legal intern's supervising attorney;
- (4) Suspension or termination by the Board of the supervising attorney's status as a supervising attorney; or
- (5) Withdrawal of the dean's approval under subsection (c)(3)(A).

***(l) Qualifications of Supervising Attorney.**

(1) Except as otherwise provided in subsection (2) below, an attorney is qualified to act as a supervising attorney who:

- (A) Is actively licensed in Idaho;
- (B) Has practiced law for at least five years immediately prior to submission of the legal intern Application; and
- (C) Is not, and never has been, publicly sanctioned in Idaho or any other state or territory of the United States or the District of Columbia, unless the Board grants express approval for the attorney to act as a supervising attorney.

(2) A faculty member at an Approved Law School who is not actively licensed in Idaho is qualified to act as a supervising attorney for a period of time not to exceed twelve (12) months from the beginning of the first semester/quarter in which the faculty member teaches at an Approved Law School in Idaho who:

- (A) Satisfies the qualifications under subsections (1)(B) and (1)(C) above;
- (B) Has been admitted by examination to, and is actively licensed in, another state or territory of the United States or the District of Columbia;
- (C) Agrees to follow and be subject to the Idaho Rules of Professional Conduct; and
- (D) Limits his or her activities to supervision of legal interns and does not otherwise engage in the practice of law in Idaho.

***(Section (l) amended 3-7-11 – effective 5-1-11.)**

(m) Duties of Supervising Attorney. A supervising attorney who fails to fulfill the following duties may be subject to disciplinary action under the Idaho Rules of Professional Conduct:

- (1) Maintain direction and supervision over all work of the legal intern;
- (2) Review and sign all pleadings, motions, briefs and other documents prepared by the legal intern;
- (3) Immediately notify the Supreme Court and Bar if the legal intern is no longer employed or engaged by the supervising attorney or if there has been a change of the legal intern's place of residence which impairs the ability of the supervising attorney to perform his or her duties;

- (4) Be present in any proceedings required by this rule;
- (5) File a certificate in proceedings where the supervising attorney's presence is not required; and
- (6) Advise the court and client of the license status of the legal intern before any services are performed before the court or on behalf of the client.

(n) Supervision of Interns.

(1) A supervising attorney shall not supervise more than one legal intern except in a clinical course offered by an Approved Law School, approved by its dean and directed by a member of its faculty. Any supervising attorney of the clinical course or program may supervise all legal interns in that course or program.

(2) With the approval of the supervising attorney, any attorney in the supervising attorney's firm, law office or practice that satisfies the qualifications in subsection (l) may supervise and direct the work of the legal intern consistent with the duties set forth in subsection (m), provided that the supervising attorney shall continue to be responsible for all work of the legal intern as provided in subsection (g) above.

(o) Substitution of Supervising Attorney. A licensed legal intern may apply to substitute another attorney as his or her supervising attorney by application to the Executive Director and Supreme Court on a form prescribed by the Board. A substitution shall not be effective until approved by order of the Supreme Court.

(p) Termination of Supervising Attorney.

(1) An attorney may be terminated as the legal intern's supervising attorney at the discretion of the Board or Supreme Court.

(2) Upon termination of the supervising attorney, the legal intern shall cease performing any services and shall not hold himself or herself out as a legal intern until written notice of a substitute supervising attorney, signed by the legal intern and by a new supervising attorney, is approved by the Executive Director and Supreme Court.

Illinois Supreme Court Rules

Amended Rule 711

<< IL R S CT Rule 711 >>

Rule 711. Representation by Supervised Senior Law Students or Graduates

(a) Eligibility. A student in a law school approved by the American Bar Association may be certified by the dean of the school to be eligible to perform the services described in paragraph (c) of this rule, if he/she satisfies the following requirements:

(1) He/She must have received credit for work representing at least ~~three-fifths~~ **one-half** of the total hourly credits required for graduation from the law school.

(2) He/She must be a student in good academic standing, and be eligible under the school's criteria to undertake the activities authorized herein.

A graduate of a law school approved by the American Bar Association who (i) has not yet had an opportunity to take the examinations provided for in Rule 704, (ii) has taken the examinations provided for in Rule 704 but not yet received notification of the results of either examination, or (iii) has taken and passed both examinations provided for in Rule 704 but has not yet been sworn as a member of the Illinois bar may, if the dean of that law school has no objection, be authorized by the Administrative Director of the Illinois Courts to perform the services described in paragraph (c) of this rule.

For purposes of this rule, a law school graduate is defined as any individual not yet licensed to practice law in any jurisdiction.

(b) Agencies Through Which Services Must Be Performed. The services authorized by this rule may only be carried on in the course of the student's or graduate's work with one or more of the following organizations or programs:

(1) a legal aid bureau, legal assistance program, organization, or clinic chartered by the State of Illinois or approved by a law school approved by the American Bar Association;

(2) the office of the public defender; or

(3) a law office of the State or any of its subdivisions.

(c) Services Permitted. Under the supervision of a member of the bar of this State, and with the written consent of the person on whose behalf he/she is acting, ~~which shall be filed in the case and brought to the attention of the judge or presiding officer,~~ an eligible law student or graduate may render the following services:

(1) He/She may counsel **with** and advise clients, negotiate in the settlement of claims, **represent clients in mediation and other nonlitigation matters**, and engage in the preparation and drafting of legal instruments.

(2) He/She may appear in the trial courts, **courts of review** and administrative tribunals of this State, **including court-annexed arbitration and mediation**, subject to the following qualifications:

(i) **Written consent to representation of the person on whose behalf the law student or graduate is acting**

shall be filed in the case and brought to the attention of the judge or presiding officer.

(ii) Appearances, pleadings, motions, and other documents to be filed with the court may be prepared by the student or graduate and may be signed by him with the accompanying designation “Senior Law Student” or “Law Graduate” but must also be signed by the supervising member of the bar.

(iii) In criminal cases, in which the penalty may be imprisonment, in proceedings challenging sentences of imprisonment, and in civil or criminal contempt proceedings, the student or graduate may participate in pretrial, trial, and posttrial proceedings as an assistant of the supervising member of the bar, who shall be present and responsible for the conduct of the proceedings.

(iv) In all other civil and criminal cases in the trial courts or administrative tribunals, the student or graduate may conduct all pretrial, trial, and posttrial proceedings, and the supervising member of the bar need not be present.

(v) In matters before courts of review, He/She the law student or graduate may prepare briefs, excerpts from the record, abstracts, and other documents filed in courts of review of the State, which may set forth the name of the student or graduate with the accompanying designation “Senior Law Student” or “Law Graduate” but must be filed in the name of the supervising member of the bar. Upon motion by the supervising member of the bar, the senior law student or law graduate may request authorization to argue the matter before the court of review. If the law student or law graduate is permitted to argue, the supervising member of the bar must be present and responsible for the conduct of the hearing.

(d) Compensation. A student or graduate rendering services authorized by this rule shall not request or accept any compensation from the person for whom he/she renders the services, but may receive compensation from an agency described in paragraph (b) ~~above in accordance with an approved program.~~

(e) Certification and Authorization.

(1) Upon request of a student or the appropriate organization, the dean of the law school in which the student is in attendance may, if he/she finds that the student meets the requirements stated in paragraph (a) of this rule, file with the Administrative Director a certificate so stating. Upon the filing of the certificate and until it is withdrawn or terminated the student is eligible to render the services described in paragraph (c) of this rule. The Administrative Director shall authorize, upon review and approval of the completed application of an eligible student as defined in paragraph (a) and the certification as described in paragraph (e), the issuance of the temporary license. No services that are permitted under paragraph (c) shall be performed prior to the issuance of a temporary license.

(2) Unless otherwise provided by the Administrative Director for good cause shown, or unless sooner withdrawn or terminated, the certificate shall remain in effect until the expiration of ~~18~~ 24 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. The certificate of a student who passes that examination shall continue in effect until he/she is admitted to the bar.

(3) The certificate may be withdrawn by the dean at any time, without prior notice, hearing, or showing of cause, by the mailing of a notice to that effect to the Administrative Director and copies of the notice to the student and to the agencies to which the student had been assigned.

(4) The certificate may be terminated by this court at any time without prior notice, hearing, or showing of cause. Notice of the termination may be filed with the Administrative Director, who shall notify the student and the agencies to which the student had been assigned.

(f) Application by Law Graduate. A law school graduate who wishes to be authorized to perform services described in paragraph (c) of this rule shall apply directly to the Administrative Director, with a copy to the dean of the law school from which he/she graduated.

Amended effective May 27, 1969; amended July 1, 1985, effective August 1, 1985; amended July 3, 1986, effective August 1, 1986; amended June 19, 1989, effective August 1, 1989; amended June 12, 1992, effective July 1, 1992; amended October 10, 2001, effective immediately; amended December 5, 2003, effective immediately; amended February 10, 2006, effective immediately; amended June 18, 2013, eff. July 1, 2013.

Committee Comments

(June 18, 2013)

This rule was amended effective July 1, 2013, to clarify that students and law graduates may perform nonlitigation legal services under this rule. Nothing in this rule should be construed to require law students or law graduates to be certified under this rule for work, including but not limited to transactional, pretrial, and policy work, that properly may be performed by a law student or other nonlawyer under Rule 5.3 of the Illinois Rules of Professional Conduct.

Indiana Rules of Court:

Rules for Admission to the Bar and the Discipline of Attorneys

Rule 2.1. Legal Interns

Section 1. Requirements.

- (a) A law student may serve as a legal intern when the following requirements are met:
 - 1. The law student is enrolled in a school accredited pursuant to Admission and Discipline Rule 13V(A);
 - 2. The law student has satisfactorily completed one-half of the academic requisite for a first professional degree in law;
 - 3. The law student has received permission of the Dean of the law school to participate in a legal intern program determined to be beneficial to the law student's training pursuant to the guidelines jointly developed by the law schools of this State; and
 - 4. The law student has completed or is enrolled in a legal ethics or professional responsibility course as set forth in Ind. Admission and Discipline Rule 13(V)(C).
- (b) A law school graduate may serve as a legal intern when the following requirements are met:
 - 1. The law graduate has received a first professional degree in law from a school accredited pursuant to Admission and Discipline Rule 13(V)(A);
 - 2. The law graduate is eligible to take the Bar examination under Admission and Discipline Rule 13V; and
 - 3. The law graduate has received permission from an attorney who is a member of the Bar of this State to serve as a legal intern under that attorney's direct supervision.

Section 2. Length of Intern Status.

- (a) A law student may serve as a legal intern until graduation from law school or for a lesser period if so designated by the Dean of the law school.
- (b) A law school graduate may serve as a legal intern from the date of graduation until the graduate has taken and has been notified of the results of the first examination for which the graduate is eligible under Admission and Discipline Rule 13V, or if successful on that examination, until the first opportunity thereafter for formal admission to the Bar of Indiana.

Section 3. Certification.

- (a) The Dean of a law school sponsoring a legal intern program shall advise the Indiana Supreme Court Board of Law Examiners of those students who qualify to be legal interns and the length of that internship.
- (b) An Attorney, who is a member of the Bar of this State and who wishes to sponsor and supervise a graduate as a legal intern, shall so advise the Indiana Supreme Court Board of Law Examiners; and also, the Dean of the law school from which the graduate received the first professional degree in law shall advise the Indiana Supreme Court Board of Law Examiners of the date of graduation and the date at which such graduate will be first eligible for examination under Admission and Discipline Rule 13V.

Section 4. Scope of Conduct.

A legal intern may interview, advise, negotiate for, and represent parties in any judicial or administrative proceeding in this State, provided all activities undertaken are supervised and approved by an attorney who is a member of the Bar of this State. A legal intern shall inform each client of his or her intern status, and that the intern is not a licensed attorney. A legal intern shall not interview any person represented by an attorney without the express permission of such attorney. In no event may a person

(including private corporations) be charged for the services of a legal intern acting in a representative capacity. The personal presence of a supervising attorney is required in any proceeding in open court.

Iowa Court Rules

Rule 31.15 Permitted practice by law students.

31.15(1) A law student enrolled in a reputable law school as defined by rule 31.8 and Iowa Code section 602.10102 certified to the office of professional regulation by the dean of the school to have completed satisfactorily not less than the equivalent of three semesters of the work required by the school to qualify for the J.D. or LL.B. degree, may, under the following conditions, engage in the practice of law or appear as counsel in the trial or appellate courts of this state.

a. Appearance by students as defense counsel in a criminal matter in any court shall be confined to misdemeanors and shall be under the direct supervision of licensed Iowa counsel who shall be personally present.

b. Appearance by students in matters before the court of appeals or supreme court of Iowa shall be under the direct supervision of licensed Iowa counsel who shall be personally present.

c. Appearance by students in other matters shall be under the general supervision of licensed Iowa counsel, but such counsel need not be present in court unless required by order of the court.

31.15(2) A student who the dean certifies has completed not less than the equivalent of two semesters of work required to qualify for the J.D. or LL.B. degree may appear in a representative capacity in a contested case proceeding before an administrative agency. Appearance by students
Rule 31.15 Permitted practice by law students.

31.15(1) A law student enrolled in a reputable law school as defined by rule 31.8 and Iowa Code section 602.10102 certified to the office of professional regulation by the dean of the school to have completed satisfactorily not less than the equivalent of three semesters of the work required by the school to qualify for the J.D. or LL.B. degree, may, under the following conditions, engage in the practice of law or appear as counsel in the trial or appellate courts of this state.

a. Appearance by students as defense counsel in a criminal matter in any court shall be confined to misdemeanors and shall be under the direct supervision of licensed Iowa counsel who shall be personally present.

b. Appearance by students in matters before the court of appeals or supreme court of Iowa shall be under the direct supervision of licensed Iowa counsel who shall be personally present.

c. Appearance by students in other matters shall be under the general supervision of licensed Iowa counsel, but such counsel need not be present in court unless required by order of the court.

31.15(2) A student who the dean certifies has completed not less than the equivalent of two semesters of work required to qualify for the J.D. or LL.B. degree may appear in a representative capacity in a contested case proceeding before an administrative agency. Appearance by students who have completed only two semesters of work shall be under the direct supervision of licensed Iowa counsel who shall be personally present.

31.15(3) No student may engage in the practice of law or appear as counsel in any court of this state or before an administrative agency unless such practice or appearance is part of an educational program approved by the faculty of the student's law school and not disapproved by the supreme court of the state of Iowa, and such program is supervised by at least one member of the law school's faculty.

31.15(4) A student shall not receive compensation other than general compensation from an employer-attorney or from a law-school-administered fund.

[Court Order April 4, 1967; May 15, 1972; January 14, 1974; April 8, 1975 [withdrawn]; April 9, 1975; April 8, 1980; April 28, 1987; June 5, 1996, effective July 1, 1996 (Prior to July 1, 1996, Court Rule 120); January 9, 1998, effective February 2, 1998; November 9, 2001, effective February 15, 2002; June 4, 2008, effective July 1, 2008]

Rules Adopted by the Supreme Court of Kansas

Rules Relating to Admission of Attorneys

Rule 719

Rules Relating to Admission of Attorneys

Legal Interns

The bench and the bar are primarily responsible for providing competent legal services for all persons, including those unable to pay for these services. As one means of providing assistance to attorneys who represent clients unable to pay for such services and to encourage law schools to provide clinical instruction in trial work of varying kinds, the following rule is adopted:

(a) Activities and Limitations.

(1) Students shall be assigned as legal interns only to those attorneys, agencies, and public bodies requesting their services and who agree to assign an attorney who will supervise and be responsible for the activities of the legal intern. Requests shall be made to the deans of the respective law schools.

(2) A legal intern may appear in any court or before any administrative tribunal in this state, as hereinafter set forth, on behalf of any indigent person if the person on whose behalf the intern is appearing has consented in writing to that appearance and the supervising attorney has, in writing, approved such appearance. The legal intern must file a written entry of appearance in each case. Appearances by a legal intern shall be limited to the following matters:

(i) In any civil matter, other than domestic matters, wherein the amount in controversy is less than \$1,000, the supervising attorney is not required to be personally present in court if the person on whose behalf the appearance is being made expressly consents thereto in writing before the court. In all other civil matters the supervising attorney must be present personally throughout the proceedings and be fully responsible for the manner in which they are conducted.

(ii) On behalf of a defendant in any criminal matter in which the defendant does not have the right to the assignment of counsel under any constitutional provision, statute, or rule of the court. In such cases the supervising attorney is not required to be personally present in court if the person on whose behalf an appearance is being made expressly consents thereto in writing before the court and such appearance is approved by the court.

(iii) On behalf of a defendant in any criminal matter in which the defendant has the right to the assignment of counsel under any constitutional provision, statute, or rule of the court. In such cases the supervising attorney must be personally present throughout the proceedings and shall be fully responsible for the manner in which they are conducted.

(3) In any criminal matter on behalf of the state with the written approval of the supervising attorney and

the approval of the court.

(4) On behalf of the state or other public body in any civil proceeding provided the supervising attorney must be personally present throughout the proceedings and shall be fully responsible for the manner in which they are conducted.

(5) 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.

(6) A legal intern must be introduced to the court in which he or she is appearing by an attorney admitted to practice in that court.

(7) A legal intern must neither ask for nor receive any compensation or remuneration of any kind from the person on whose behalf services are rendered, but this shall not prevent an attorney, law firm, legal aid bureau, public defender agency, or the state, county or municipality from paying compensation to the legal intern, nor shall it prevent any such employer from making such charges for its services as it may otherwise deem appropriate.

(b) Application. In order to file a written entry of appearance as required by subsection (a)(2), the student must file an application with the Clerk of the Appellate Courts and meet the following requirements:

(1) Be a duly enrolled law student at a law school approved by the American Bar Association.

(2) Have completed legal studies amounting to at least sixty hours;

(3) Have a complete copy of his or her law school file, including application for admission, forwarded to the Clerk of the Appellate Courts;

(4) Be certified by the dean of the law school as being of good character and competent legal ability, and as being adequately trained to perform as a legal intern.

(5) Have paid the fee required by Rule 704.

(6) Certify in writing that he or she has read and will abide by the rules relating to discipline of attorneys (Supreme Court Rules 201 et seq.) and also subscribe to an oath that he or she will support the constitutions of the United States and the State of Kansas and will faithfully perform the duties of a legal intern. Said certificate and oath are to be filed with the Clerk of the Appellate Courts.

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

(1) Shall be filed with the Clerk of the Appellate Courts and unless it is sooner withdrawn, it shall remain in effect until the expiration of eighteen months after it is filed or until the student's graduation, whichever is earlier.

(2) May be withdrawn by the dean at any time by filing a notice to that effect with the Clerk of the Appellate Courts. It is not necessary that the notice state the cause for withdrawal. If enrollment ceases prior to graduation, certification shall be withdrawn forthwith.

(3) May be terminated by the Supreme Court at any time without notice or hearing and without any showing of cause. Notice of the termination shall be filed with the Clerk of the Appellate Courts and with the dean of the law school in which the student is enrolled.

(d) Other activities.

(1) An eligible legal intern may engage in other activities under the general supervision of a member of the bar of this state, but outside the personal presence of that attorney, including:

(i) 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 attorney.

(ii) Preparation of briefs and other documents to be filed in appellate courts of this state, but such documents must be signed by the supervising attorney.

(iii) Assistance to indigent inmates of penal institutions or other persons who request such assistance in preparing applications for and supporting documents for post-conviction relief, except when the assignment of counsel in the matter is required by any constitutional provision, statute, or rule of the court. If there is an attorney of record, all such assistance must be supervised by the attorney of record, and all documents submitted to the court on behalf of such client must be signed by the attorney of record.

(iv) Each document or pleading must contain the name of the legal intern who has participated in drafting it.

(2) A legal intern may not participate in oral argument in the Supreme Court or the Court of Appeals except by special permission of the Court.

(e) Supervision. The member of the bar under whose supervision an eligible legal intern performs any of the acts permitted by this rule shall:

(1) Be an attorney in good standing, regularly engaged in the practice of law in this state, whose service as a supervising attorney for this program is approved by the dean of the law school in which the student is enrolled.

(2) Assume personal professional responsibility for the student's guidance in any work undertaken and for supervising the quality of the student's work.

(3) Assist the student to the extent necessary to assure proper performance of the duties entrusted to the legal intern.

(4) Have supervision over no more than two legal interns at any one time, provided however, that this limitation shall not apply to full time staff members of recognized state or local legal aid societies, and county attorney, district attorney, municipal attorney, attorney general or public defender offices, and provided further that the limitations of subsections (e)(1) and (e)(4) of this rule shall not apply to a law professor regularly engaged in the teaching of law at a law school specified in subsection (b)(1) of this rule, who is a licensed attorney of the bar of this state and whose teaching duties include participation in a legal clinic operated as a regular part of the educational program of such law school.

(f) Post-Juris Doctorate students duly enrolled in an L.L.M. program at any law school approved by the American Bar Association, who have previously received a juris doctorate from a law school approved by the American Bar Association, shall be eligible for a legal intern permit under the terms and conditions set forth above.

(g) Nothing contained in this rule shall affect the right of any person who is not admitted to practice law to do anything that he or she might lawfully do prior to the adoption of this rule.

[History: New Rule effective July 1, 2009.]

**KENTUCKY BAR ASSOCIATION
RULES OF THE SUPREME COURT OF KENTUCKY
ADMISSION OF PERSONS TO PRACTICE LAW**

SCR 2.540 Limited student practice

Any student who has successfully completed two-thirds of the academic hour requirement for the first degree in law at an approved law school and is participating in a law school sponsored clinic, intern, extern, or public service program may provide legal services to, and may appear in any proceeding in any court of this state on behalf of any person financially unable to employ counsel, or, on behalf of the Commonwealth or the United States' Attorney; and any student who has successfully completed two-thirds of the academic hour requirements for the first degree in law may provide legal advice, counseling and negotiation services to a college or university student, regardless of that student's financial status, pursuant to an approved law school clinical program provided:

(a) Such student is providing such services to, or appearing in such proceeding on behalf of, a person assigned to the student through a clinic, intern, extern, or public service program operated by an approved law school under the direction of a full or part time law school director.

(b) The Chief Justice of the Supreme Court of Kentucky, the dean of the student's law school, and the director of the law school program in which such student is participating, have filed written approval of such student with the clerk of the Supreme Court, the clerk of the courts before which the student is to appear, and the clerk of the circuit court in the county wherein the student's law school is located.

(c) A member in good standing of the bar of this state personally supervises all activities of the student in each case, with the exception that the student may consult with the client or potential clients, but may not advise, negotiate or appear alone in administrative proceedings or in the courts of this state in civil or criminal matters without personal appearance and supervision by a member in good standing of the bar of this state, and as otherwise provided in this Rule.

In all criminal cases involving crime for which the defendant may be punished by a fine of more than \$500.00 or by confinement for more than twelve months, personal supervision of the activities of the student requires that a member in good standing of the bar of this state be present for all proceedings which take place before a judge.

In the defense of any criminal case which involves a crime for which the defendant may be punished by a fine of more than \$500.00 or by confinement for more than twelve months, and which is to be prosecuted in a county not having a formal public defender program, the attorney who is to supervise the student must be appointed by the judge of the court before whom the cause is pending.

No student authorized to perform legal services under this Rule shall ask for or receive any compensation or remuneration of any kind for the services. This Rule does not prevent a law school from awarding scholarships or fellowships to a law student authorized to perform legal services under this Rule.

Unless earlier revoked, approval to perform legal services under this Rule shall be effective until the Monday following the distribution of results of the first bar examination for which an approved law graduate could be admitted to practice under the Rules of the Court.

Any student authorized to perform legal services under this Rule must subscribe to the following

oath.

OATH OF LEGAL INTERN UNDER STUDENT PRACTICE RULE

I, _____, do solemnly swear that I will, as a Legal Intern, support and defend the Constitution of the United States and the Constitution of the State of Kentucky; that cognizant of the trust placed in me and the responsibility it carries, I will conduct myself in all matters to the extent given me as an officer of the court with the utmost fidelity toward the court and all persons whose affairs are in any way entrusted to me; that I will neither take part in deception of the court, nor allow deception to take place, and should any be practiced will inform the court; that I will accept no remuneration for services performed as a Legal Intern except those specifically provided by the Rules of the Supreme Court; that I subscribe to and will abide by the Rules of Professional Conduct as adopted by the Supreme Court of Kentucky; and that I will so exercise these privileges given me that it may be alike useful in the service of justice and in my preparation to assume full responsibility later as a member of the bar.

The above and foregoing Oath was subscribed to by the above named Legal Intern and administered to him/her by me, on this _____ day of _____, 19____.

Notary Public

HISTORY: Amended by Order 99-1, eff. 2-1-00; prior amendments eff. 3-1-98 (Order 97-4), 3-1-98 (Order 97-3), 10-1-94 (Order 94-1), 7-1-78, 1-1-78

Rules of the Louisiana Supreme Court

RULE XX. LIMITED PARTICIPATION OF LAW STUDENTS IN TRIAL WORK

[Resolution of the Court](#) March 30, 1999, with dissents and concurrences.

RULE XX. LIMITED PARTICIPATION OF LAW STUDENTS IN TRIAL WORK

Section 1. The bench and the bar are primarily responsible for providing competent legal services for all persons, including those unable to pay for these services. As one means of providing assistance to clients unable to pay for such services and to encourage law schools to provide clinical instruction in trial work of varying kinds, the following rule is adopted.

Section 2. All activities provided for and allowed to an eligible law student herein shall be limited to law school sponsored and supervised programs on an individually selected case basis approved, assigned, and controlled by the law school.

Section 3. Under such law school sponsored clinical instruction plan an eligible law student may appear in any court or before any administrative tribunal in this state on behalf of the state, any political subdivision thereof, or any indigent person or indigent community organization if the person on whose behalf the student is appearing has indicated in writing consent to that appearance and the supervising lawyer has also indicated in writing approval of that appearance, in the following matters: [amended, effective April 15, 1999]

* * *

Commentary (1999)

In 1999 amendments to the rule, the Court repealed a prohibition on the representation of community organizations who are affiliated with national organizations. Affiliates of national organizations may now be represented, provided the other requirements for organizational representation have been met.

* * *

- (a) Any civil matter where the law student does not charge a client for his services; however, the supervising attorney is entitled to be awarded attorney's fees and costs for the services rendered by the student attorney and supervising attorney in those cases where the awarding of attorney's fees and costs is provided by statute.
- (b) Any criminal matter in which an indigent defendant 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 his absence.
- (c) Any criminal matter in which the defendant 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.

(d) An eligible law student may also appear in any criminal matter on behalf of the state with the written approval of the prosecuting attorney or his authorized representative and of the supervising lawyer.

(e) 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.

(f) The procurement and filing of written consent shall not be required when the indigent client is court appointed and unable to provide written consent or approval.

Section 4. Standard for Determining Eligibility for Representation. Law school clinical program staff and student practitioners who appear in a representative capacity pursuant to this rule may represent any individual or family unit whose annual income does not exceed 200% of the federal poverty guidelines established by the Department of Health and Human Services. These guidelines need not be applied when the client is court-appointed or court-referred and the appointing or referring court has reviewed the economic condition of the client and has determined that the client is indigent. [amended, effective April 15, 1999]

* * *

Commentary (1999)

The Department of Health and Human Services annually updates the federal poverty guidelines. The 1999 federal poverty guidelines are published at 64 Federal Register No. 52, pp. 13428-13430 (March 18, 1999).

Pursuant to Rule XX amendments which became effective on July 1, 1998, law clinics were required to follow the Legal Services Corporation eligibility guidelines for determining whether a person was eligible for representation. The maximum annual income level for representation under the LSC guidelines is 125% of the federal poverty guidelines. However, the Legal Services Corporation regulations allow for exceptions for persons whose annual income does not exceed 150% of the LSC maximum (125% of poverty). The LSC exceptions, therefore, allow for the representation of persons whose annual income does not exceed 187.5% of poverty (150% of the LSC maximum annual income level (125% of poverty)), provided a sufficient showing of need is made.

Minor changes have been made for ease of administration of the rule. The Court has amended the eligibility requirements to simplify the financial screening which must be performed to determine if a person is eligible for representation. Clinics now need not find special reasons to represent persons whose income falls between 125% and 187.5% of the federal poverty guidelines, and may now represent any person whose annual income does not exceed 200% of the federal poverty guidelines. Thus, for example, an individual may be represented if his/her annual income does not exceed \$16,480 (200% of \$8,240); a four person family unit may be represented if their annual income does not exceed \$33,400 (200% of \$16,700); and a seven person family unit may be represented if their annual income does not exceed \$50,320 (200% of \$25,160). As noted, these income figures will change annually with the promulgation of new federal poverty guidelines.

* * *

Section 5. Representation of Indigent Community Organizations. Any indigent community organization that wishes to obtain representation pursuant to this rule must certify in writing to the inability to pay for legal services. The written certification shall be subject to inspection by the Supreme Court of Louisiana.

Law school clinical program staff and student practitioners who appear in a representative capacity pursuant to this rule may represent any indigent community organization provided at least 51% of the organization's members are eligible for legal assistance pursuant to Section 4 of this rule. The indigent community organization shall also provide information to clinic staff which shows that the organization lacks, and has no practical means of obtaining, funds to retain private counsel. [amended, effective April 15, 1999]

* * *

Commentary (1999)

The Court deleted the word "financial" from the last sentence of this section merely to conform with a Legal Services Corporation regulation concerning the representation of organizations.

* * *

Section 6. In order to make an appearance pursuant to this rule, the law student must;

- (a) Be duly enrolled in this state in a law school approved by the American Bar Association;
- (b) Have completed legal studies amounting to at least four fulltime semesters, or the equivalent if the school is on some basis other than a semester basis.
- (c) Have completed the required law school coursework in legal ethics.
- (d) Be certified by the dean of the student's law school as being of good moral character and competent legal ability, and as being adequately trained to perform as a legal intern.
- (e) Be introduced to the court in which the student is appearing by an attorney admitted to practice in that court.
- (f) Neither ask for nor receive any compensation or remuneration of any kind for his/her services; except that the supervising attorney may be awarded fees and costs as provided by Section 3(a); and any funds so generated shall be deposited into a special litigation expense account maintained by the clinical program for that purpose.
- (g) Certify in writing that the law student has read and will abide by the Rules of Professional Conduct, will faithfully perform the duties of a law student practitioner, and will not place his/her personal interests or clinic interests ahead of the interests of the client. The written certification shall be filed with the clerk of this court.
- (h) Shall take the following oath:

I, _____, do solemnly swear that I will support the Constitution of the United States and of the State of Louisiana and have read and am familiar with the Rules of Professional Conduct of the Louisiana State Bar Association; I understand that I am bound by the precepts therein contained as fully as if I were admitted to the practice of law in Louisiana; I will maintain the respect due to courts of justice and judicial officers; I will not counsel or maintain any suit or proceeding which shall appear to me to be unjust, nor any defense except such as I believe to be honestly debatable under the law of the land; I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor and will never seek to mislead the judge or jury by any artifice or false statement of fact or law; I will maintain the confidence and preserve inviolate the secrets of my client; I will abstain from all offensive personality and advance no fact prejudicial to the honor or reputation of a party or witness unless required by the justice of the cause with which I am charged; I further accept the privileges granted to me as well as the responsibilities which will devolve upon me, so that I may be more useful through my clinical education in the service of justice.

Section 7. The certification of a student by the law school dean:

(a) Shall be filed with the clerk of this court and unless it is sooner withdrawn it shall remain in effect until the expiration of twelve 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 or who is admitted to the bar without taking an examination, the certification shall continue in effect until the date the student is admitted to the bar.

(b) 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 for withdrawal.

(c) May be terminated by this court at any time without notice or hearing and without any showing of cause. Notice of the termination may be filed with the clerk of this court.

Section 8. In addition, an eligible law student may engage in other activities under the said law school program under the general supervision of a member of the bar of this court but outside the personal presence of that lawyer including.

(a) Preparation of pleading 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.

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

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

An eligible law student may participate in oral argument in any appellate court of this state, but only in the presence of the supervising lawyer

Section 9. The member of the bar under whose supervision an eligible law student does any of the things permitted by this rule shall.

(a) Be a lawyer admitted to practice before this court whose service as a supervising lawyer for this program is approved by the dean of the law school in which the law student is enrolled.

(b) Assume personal professional responsibility and liability for the student's guidance in any work undertaken and for supervising the quality of the student's work.

(c) Assist the student in his/her preparation to the extent the supervising lawyer considers it necessary.

(d) Counsel and assist the law student who practices law pursuant to this rule, and provide professional guidance in every phase of such practice, with special attention to matters of professional responsibility and legal ethics.

Section 10. Lawyer staffpersons of law school clinical programs and certified student practitioners shall adhere to the Rules of Professional Conduct, including the rules prohibiting solicitation of cases or clients. In addition, no student practitioner shall appear in a representative capacity pursuant to this rule if any clinical program supervising lawyer, staffperson, or student practitioner initiated in-person contact, or contact by mail, telephone or other communications medium, with an indigent person or indigent community organization for the purpose of representing the contacted person or organization. [Amended, effective April 15, 1999]

* * *

Commentary (1999)

In the amendments to Rule XX which were promulgated on June 17, 1998, Section 10 included two principal components: (1) a prohibition on representing solicited clients pursuant to Rule XX; and (2) a ban on representation of indigent community organizations the law clinics helped form or create.

Subsequent to reviewing a request for reconsideration and a stay of the 1998 amendments, the Court, on June 30, 1998, suspended implementation of this section of the rule.

In 1999 amendments to the rule, the Court repealed the provision which had prohibited law clinics from representing, in a Rule XX capacity, community organizations they helped form or create. However, in furtherance of the Court's policy against solicitation of legal clients generally, the ethical prohibitions against attorney solicitation, and the Court's view that law students should not be encouraged to engage in the solicitation of cases, Section 10, as amended, prohibits a student practitioner from representing a client who has been the subject of targeted solicitation by any law clinic representative.

Section 10 places no restrictions on the pro bono representation of solicited clients by attorneys employed or retained by law schools or law clinics. Furthermore, this singular prohibition regarding the representation of solicited clients by student practitioners does not in any way restrict or prohibit law school clinical activities which are intended to provide education or information to Louisiana citizens.

* * *

Section 11. A law student who practices law pursuant to the authority conferred by this rule must obtain additional authority from the appropriate court or agency to practice before courts and agencies of the federal government, and courts and agencies of other states. The authority conferred by this rule shall also not be deemed to constitute authority for student practitioners who act pursuant to this rule to make appearances in a representative capacity before regular or special sessions of state or federal legislatures. [Amended effective April 15, 1999]

Section 12. Nothing contained in this rule shall affect the right of any person who is not admitted to practice law to do anything that he/she might lawfully do prior to the adoption of this rule.

Maine Rules of Civil Procedure

RULE 90. LEGAL ASSISTANCE BY LAW STUDENTS

(a) Permitted Activities. An eligible student may appear in court, in any civil action, or before any administrative tribunal in this State, on behalf of any indigent person receiving legal services through an organization providing legal services to the indigent, which organization has been approved by the Supreme Judicial Court, if the person on whose behalf the student is appearing has indicated in writing consent to that appearance and the supervising lawyer has also indicated in writing approval of that appearance. An eligible student may appear in court in any civil action or before any administrative tribunal in this State on behalf of the State or an agency thereof with the written approval of the lawyer who is supervising the student in that appearance.

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 or justice of the court or the presiding officer of the administrative tribunal.

(b) Requirements and Limitations. In order to be an eligible law student under this rule, the student must:

- (1) Be duly enrolled in a law school approved by the American Bar Association.
- (2) Have completed legal studies amounting to at least four (4) semesters.
- (3) Be certified by the dean of the student's law school as being of good character and competent legal ability, as being adequately trained to perform as a legal intern and as having met the other requirements of this subdivision (b).
- (4) Neither ask for nor receive any compensation or remuneration of any kind for services from the person on whose behalf such services are rendered, but this shall not prevent a legal aid bureau, law school, 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.
- (5) Certify in writing that the student has read and is familiar with the Maine Bar Rules, the Maine Rules of Civil Procedure, the Maine Rules of Criminal Procedure, the Maine Rules of Appellate Procedure, and the Maine Rules of Evidence.

(c) Approved Organization. Upon application of any organization located in this State providing free legal services to indigents in this State for permission to allow eligible law students to practice under its supervision pursuant to this rule, the Supreme Judicial Court may grant permission by filing an order authorizing such practice with the Clerk of the Law Court.

(d) Certification. Certification of a student by the law school dean:

- (1) Shall be filed with the Clerk of the Law Court.
- (2) May be withdrawn by the dean at any time by mailing a notice to that effect to the Clerk of the Law Court. It is not necessary that the notice state the cause for withdrawal.
- (3) May be terminated by the Supreme Judicial Court without notice or hearing and without any showing of cause. Notice of such termination shall be filed with the Clerk of the Law Court. The dean may refuse certification of a law student to practice in a position which the dean considers of insufficient educational benefit to the student.

(e) Other Activities. Subject to the limitation of subdivisions (b) and (c) of this rule.

- (1) An eligible law student may also engage in other activities authorized by law, under the general supervision of a member of the bar of this State, but outside the personal presence of that lawyer, including:
 - (i) 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.
 - (ii) Preparation of briefs and other documents to be filed in the Law Court in any matter in which the student is eligible to appear, but such documents must be signed by the supervising lawyer. Each pleading, document or brief must contain the name of the eligible law student who has participated in drafting it. If the student has participated in drafting only a portion of it, that fact may be mentioned.
- (2) An eligible law student may participate in oral argument in the Law Court in any matter in which the student is eligible to appear, but only in the presence of the supervising lawyer.

(f) Supervision. The member of the bar under whose supervision an eligible law student does any of the things permitted by this rule shall:

(1) Assume personal professional responsibility for the student's guidance in any work undertaken and for supervising the quality of the student's work.

(2) Assist the student in preparation to the extent the supervising lawyer considers it necessary.

(g) Miscellaneous. Nothing contained in this rule shall affect the right of any person who is not admitted to practice law to do anything that the person might lawfully do prior to the adoption of this rule.

Maine Rules of Criminal Procedure

RULE 56. LEGAL ASSISTANCE BY LAW STUDENTS

(a) Permitted Activities on Behalf of a Criminal Defendant. An eligible law student may appear in court in this state, on behalf of any indigent receiving legal services through an organization providing legal services to the indigent, which organization has been approved by the Supreme Judicial Court, if

the person on whose behalf the student is appearing has indicated in writing consent to that appearance and the supervising lawyer has also indicated in writing approval of that appearance, in the following proceedings:

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

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

(3) Any post-conviction review proceeding. In such cases the supervising lawyer shall be personally present throughout the proceedings and shall be fully responsible for the manner in which they are conducted.

(b) Permitted Activities on Behalf of the State. An eligible law student may appear in any criminal proceeding on behalf of the state with the written approval of the prosecuting attorney or the authorized representative of the prosecuting attorney. If the defendant in a criminal proceeding has a right to counsel under any constitutional provision, statute or rule and is represented by counsel in that criminal proceeding, the prosecuting attorney or the authorized representative of the prosecuting attorney is required to be personally present throughout the proceeding and shall be fully responsible for the manner in which it is conducted.

(c) Written Consent and Approval. 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 court.

(d) Other Conditions. The provisions of Maine Rules of Civil Procedure 90(b), (c), (d), (e), (f), and (g), are hereby incorporated in this rule.

Rules Governing Admission to the Bar of Maryland

Rule 16. LEGAL ASSISTANCE BY LAW STUDENTS

(a) Definitions

As used in this Rule, the following terms have the following meanings:

(1) Law School

"Law school" means a law school meeting the requirements of Rule 4(a)(2).

(2) Clinical program

"Clinical Program" means a law school program for credit, in which a student obtains experience in the operation of the legal system by engaging in the practice of law, that is

(A) under the direction of a faculty member of the school and

(B) has been approved by the section Council of the Section of Legal Education and Admissions to the Bar of the Maryland State Bar Association, Inc.

(3) Supervising Attorney

"Supervising attorney" means an attorney who is a member in good standing of the Bar of this State and whose service as a supervising attorney for the clinical program is approved by the dean of the law school in which the law student is enrolled or by the dean's designee.

(b) Eligibility

A law student enrolled in a clinical program is eligible to engage in the practice of law as provided in this Rule if the student:

(1) is enrolled in a law school;

(2) has read and is familiar with the Maryland Lawyers' Rules of Professional Conduct and the relevant Maryland Rules of Procedure; and

(3) has been verified in accordance with section (c) of this Rule.

(c) Certification

(1) Contents and Filing

The dean of the law school shall file the certification of a student with the Clerk of the Court of Appeals. It shall state that the student is in good academic standing and has successfully completed legal studies in the law school amounting to the equivalent of at least one-third of the total credit hours required to complete the law school program. It shall also state its effective date and expiration date, which shall be not later than one year after the effective date.

(2) Withdrawal or Suspension

The dean may withdraw the certificate at any time by mailing a notice to that effect to the Clerk of the Court of Appeals. It shall automatically be suspended upon the issuance of an unfavorable report of the Character Committee made in connection with the student's application for registration as a candidate for admission to the Bar. Upon reversal of the Character Committee, the certification shall be reinstated.

(d) Practice

In connection with a clinical program, a law student for whom a certificate is in effect may appear in any trial court or the Court of Special Appeals or otherwise engage in the practice of law in Maryland provided that the supervising attorney

(1) is satisfied that the student is competent to perform the duties assigned,

(2) assumes responsibility for the quality of the student's work,

(3) directs and assists the student to the extent necessary, in the supervising attorney's professional judgment, to ensure that the student's participation is effective on behalf of the client the student represents, and

(4) accompanies the student when the student appears in court or before an administrative agency.

The law student shall neither ask for nor receive personal compensation of any kind for service rendered under this Rule.

(Amended Feb. 8, 2005, effective July 1, 2005) Source: This Rule is derived from former Rule 18.

Rules of the Massachusetts Supreme Judicial Court

RULE 3:03. LEGAL ASSISTANCE TO THE COMMONWEALTH AND TO INDIGENT CRIMINAL DEFENDANTS, AND TO INDIGENT PARTIES IN CIVIL PROCEEDINGS.

(1) A senior law student in an accredited law school, or a law school authorized by statute of the Commonwealth to grant the degree of bachelor of laws or juris doctor, who has successfully completed or is enrolled in a course for credit in evidence or trial practice, with the written approval by the dean of such school of his character, legal ability, and training, may appear without compensation

(a) on behalf of the Commonwealth (including a subdivision of the Commonwealth or an agency of the Commonwealth or of a subdivision) in proceedings in any division of the District Court, Juvenile Court, Probate and Family Court or Housing Court Departments or in the Boston Municipal Court Department, provided that the conduct of the case is under the general supervision of a member of the bar of the Commonwealth who is a regular or special assistant district attorney, a regular or special assistant attorney general, an agency counsel or assistant agency counsel or a corporation counsel, city solicitor, town counsel, assistant municipal counsel or assistant solicitor;

(b) on behalf of indigent defendants in criminal proceedings in any division of the District Court, Juvenile Court or Housing Court Departments or in the Boston Municipal Court Department, or in the Supreme Judicial Court or the Appeals Court, provided that the conduct of the case is under the general supervision of a member of the bar of the Commonwealth assigned to the case by the Committee for Public Counsel Services or employed by a non-profit program of legal aid, legal assistance or defense or a law school clinical instruction program; and

(c) on behalf of indigent parties in civil proceedings in any division of the District Court, Juvenile Court, Probate and Family Court, or Housing Court Departments or in the Boston Municipal Court Department, provided that the conduct of the case is under the general supervision of a member of the bar of the Commonwealth assigned by the Committee for Public Counsel Services or employed by a non-profit program of legal aid, legal assistance or defense or a law school clinical instruction program.

(2) The expression "general supervision" shall not be construed to require the attendance in court of the supervising member of the bar. The term "senior student" or "senior law student" shall mean students who have completed successfully their next to the last year of law school study.

(3) The written approval described in paragraph (1), for a student or group of students, shall be filed with the clerk of the Supreme Judicial Court for the county of Suffolk and shall be in effect, unless withdrawn earlier, until the date of the first bar examination following the student's graduation, and as to a student taking that examination, until the announcement of the results thereof. For any student who passes that examination, the approval shall continue in effect for six months after the date of examination or until the date of his or her admission to the bar, whichever is sooner, unless otherwise ordered by the Supreme Judicial Court.

(4) A justice of the Superior Court Department may, in his discretion, permit a senior law student, qualified and supervised as provided in paragraphs (1) through (3) above, to appear without compensation on behalf of the Commonwealth or on behalf of an indigent defendant in a criminal proceeding:

(a) on a motion for a new trial in that court seeking post-conviction relief after the time for direct appeal has expired, or (if such an appeal has been taken) after the appeal has been decided by the Supreme Judicial Court, or

(b) on an appeal for review of sentence in the Appellate Division of that court under G. L. c. 278, §§ 28A-28D, or

(c) on a petition heard in that court, under G. L. c. 276, § 58, as amended, for review of District Court refusal to authorize pretrial release of defendant on personal recognizance.

(5) A justice of the Superior Court or the Land Court Departments may, in his discretion, permit a senior law student, qualified and supervised as provided in paragraphs (1) through (3) above, to appear without compensation on behalf of the Commonwealth or indigent persons in civil proceedings.

(6) If an appearance by a senior law student is not permitted as of right by this rule, a justice of the Supreme Judicial Court or of the Appeals Court may, in his discretion, permit a senior law student, qualified and supervised as provided in paragraphs (1) through (3) above, to appear in those courts without compensation on behalf of the Commonwealth or indigent persons. Successful completion of or enrollment in a course for credit in appellate practice in an accredited law school, or a law school authorized by statute of the Commonwealth to grant the degree of bachelor of laws or juris doctor, may, in the discretion of an appellate justice, be deemed a substitute for the course requirement provision of paragraph (1) of this rule.

(7) A senior law student, qualified and supervised as provided in paragraphs (1) through (3) above, may appear without compensation on behalf of the Commonwealth or indigent persons before any administrative agency, provided such appearance is not inconsistent with its rules.

(8) A student who has begun his next to the last year of law study in an accredited law school, or a law school authorized by statute of the Commonwealth to grant the degree of bachelor of laws or juris doctor, qualified and supervised as provided in paragraphs (1) through (3) above, may appear in civil proceedings under the same conditions as a senior law student, provided that the written approval referred to in paragraphs (1) and (3) states that he is currently participating in a law school clinical instruction program.

(9) Rule 3:03 applies only to a student whose right to appear commenced at least three months prior to graduation from law school. Subject to the time limitations expressed in paragraph (3) of this rule, such a student may make appearances after graduation under the same or any other non-profit program of legal aid, legal assistance, prosecution or defense, or law school clinical instruction.

Michigan Court Rules Rule 8.120

CHAPTER 8 ADMINISTRATIVE RULES OF COURT

Chapter Last Updated 9/16/2013

Rule 8.120 Law Students and Recent Graduates; Participation in Legal Aid Clinics, Defender Offices, and Legal Training Programs

(A) Legal Aid Clinics; Defender Offices. Effective legal service for each person in Michigan, regardless of that person's ability to pay, is important to the directly affected person, to our court system, and to the whole citizenry. Law students and recent law graduates, under supervision by a member of the state bar, may staff public and nonprofit defender offices, and legal aid clinics that are organized under a city or county bar association or an accredited law school or for the primary purpose of providing free legal services to indigent persons.

(B) Legal Training Programs. Law students and recent law graduates may participate in legal training programs organized in the offices of county prosecuting attorneys, county corporation counsel, city attorneys, the Attorney Grievance Commission, and the Attorney General.

(C) Eligible Students. A student in a law school approved by the American Bar Association who has received a passing grade in law school courses and has completed the first year is eligible to participate in a clinic or program listed in subrules (A) and (B) if the student meets the academic and moral standards established by the dean of that school. For the purpose of this rule, a "recent law graduate" is a person who has graduated from law school within the last year. The student or graduate must certify in writing that he or she has read and is familiar with the Michigan Rules of Professional Conduct and the Michigan Court Rules, and shall take an oath which is reasonably equivalent to the Michigan Lawyer's Oath in requiring at a minimum the promise to:

- (a) support the Constitution of the United States;
- (b) support the Constitution of the State of Michigan;
- (c) maintain the respect due to courts of justice and judicial officers;
- (d) never seek to mislead a judge or jury by any artifice or false statement of fact or law;
- (e) maintain the confidence and preserve inviolate the secrets of the client;
- (f) abstain from all offensive personality;
- (g) advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause; and
- (h) in all other respects conduct himself or herself personally and professionally in conformity with the high standards of conduct imposed upon members of the state bar of Michigan.

(D) Scope; Procedure.

- (1) A member of the legal aid clinic, in representing an indigent person, is authorized to advise the person and to negotiate and appear on the person's behalf in all Michigan courts except the Supreme Court. Except as otherwise provided in this rule, the indigent person that will be assisted by the student must consent in writing to the representation. In a situation in which a law student provides short-term, limited-scope legal advice by telephone in the context of a clinical program

intended to assist indigent persons offered as part of a law school curriculum, the clinic patron shall be informed that:

- (a) the advice provided may be rendered by a law student, and
- (b) by proceeding to the consultation following notification that the advice may be provided by a law student, the clinic patron consents to such representation.

(2) Representation must be conducted under the supervision of a state bar member. Supervision by a state bar member includes the duty to examine and sign all pleadings filed. It does not require the state bar member to be present

- (a) while a law student or graduate is advising an indigent person or negotiating on the person's behalf, or
- (b) during a courtroom appearance of a law student or graduate, except
 - (i) during an appellate argument or
 - (ii) in a criminal or juvenile case exposing the client to a penalty of imprisonment.

The supervising attorney shall assume all personal professional responsibility for the student's or graduate's work, and should consider purchasing professional liability insurance to cover the practice of such student or graduate.

(3) A law student or graduate may not appear in a case in a Michigan court without the approval of the judge or a majority of the panel of judges to which the case is assigned. If the judge or a majority of the panel grants approval, the judge or a majority of the panel may suspend the proceedings at any stage if the judge or a majority of the panel determines that the representation by the law student or graduate

- (a) is professionally inadequate, and
- (b) substantial justice requires suspension.

In the Court of Appeals, a request for a law student or graduate to appear at oral argument must be submitted by motion to the panel that will hear the case. The panel may deny the request or establish restrictions or other parameters for the representation on a case-by-case basis.

(4) A law student or graduate serving in a prosecutor's, county corporation counsel's, city attorney's, or Attorney General's program may be authorized to perform comparable functions and duties assigned by the prosecuting attorney, county attorney, city attorney, or Attorney General, except that

- (a) the law student or graduate is subject to the conditions and restrictions of this rule; and
- (b) the law student or graduate may not be appointed as an assistant prosecutor, assistant corporation counsel, assistant city attorney, or assistant Attorney General.

Minnesota Court Rules
PROFESSIONAL RULES

Student Practice Rules

Adopted May 24, 1982
With amendments effective August 6, 2013

Rule 1. General Student Practice

1.01 Representation

An eligible law student not enrolled in a law school clinical program may, under the supervision of a member of the bar, perform all functions that an attorney may perform in representing and appearing on behalf of any state, local, or other government unit or agency, or any indigent person who is a party to a civil action or who is accused of a crime, or a petty misdemeanor.

1.02 Eligible Law Students

An eligible law student is one who:

- (1) is duly enrolled at the time of original certification in a school of law approved by the American Bar Association;
- (2) has completed at the time of original certification legal studies equivalent to at least two semesters of full-time study;
- (3) has been certified by the state, local, or other government unit or agency, or organization or persons representing indigents as being a paid or unpaid intern working for said unit, agency, organization, or persons;
- (4) has been certified by the dean or designee of the law school as being of good academic standing; and
- (5) has been identified as a student and accepted by the client.

1.03 Certification

The state, local, or other government unit or agency or organization or persons representing indigent clients shall submit in writing to the student's law school the student's name and a statement that the student will be properly supervised under the provisions of this practice rule. The student's law school shall then certify the student's academic standing and file this certification with the Board of Law Examiners for approval. Written notification of approval shall be provided to the law school. The certification shall remain in effect for twelve (12) months after the date filed. Law students may be recertified for additional twelve-month periods. Certification shall terminate sooner than twelve (12) months upon the occurrences of the following events:

- (1) Certification is withdrawn by the unit, agency, organization, or person by mailing notice to that effect to the law student, the law school, and the Board of Law Examiners along with the reason(s) for such withdrawal;
- (2) Certification is terminated by the Board of Law Examiners by mailing notice to that effect to the law student, the law school, and the unit, agency, organization or person along with the reason(s) for such termination;
- (3) Certification shall terminate upon the student being placed on academic probation;
- (4) The student does not take the first bar examination following his or her graduation, upon which the certification will terminate on the first day of the exam;
- (5) The student takes but fails the bar examination, upon which the certification will terminate upon notice to the dean and the law student of such failure; or
- (6) The student takes and passes the bar examination and is admitted to the bar of the court.

1.04 Supervisory Attorney

The attorney who supervises a student shall:

- (1) be a member of the bar of this court;
- (2) assume personal professional responsibility for and supervision of the student's work;
- (3) assist the student to the extent necessary;
- (4) sign all pleadings;
- (5) appear with the student in all trials;
- (6) appear with the student at all other proceedings unless the attorney deems his or her personal appearance unnecessary to assure proper supervision. This authorization shall be made in writing and shall be available to the judge or other official conducting the proceedings upon request.

1.05 Miscellaneous

Nothing contained in this rule shall affect the existing rules of this court or the right of any person who is not admitted to practice law to do anything that he or she might lawfully do prior to the adoption of this rule.

Rule 2. Clinical Student Practice

2.01 Representation

An eligible law student may, under the supervision of a member of the bar, perform all functions that an attorney may perform in representing and appearing on behalf of a client.

2.02 Eligible Law Students

An eligible law student is one who:

- (1) is duly enrolled at the time of original certification in a school of law approved by the American Bar Association;
- (2) has completed at the time of original certification legal studies equivalent to at least two semesters of full-time study;
- (3) is enrolled at the time of original certification in a law school clinical program;
- (4) has been certified by the dean or designee of the law school as being of good academic standing; and
- (5) has been identified as a student and accepted by the client.

2.03 Certification

Certification of a student by the law school shall be filed with the Board of Law Examiners for approval. Written notification of approval shall be provided the law school. The certification shall remain in effect for twelve (12) months after the date filed. Law students may be recertified for additional 12-month periods. Certification shall terminate sooner than twelve (12) months upon the occurrence of the following events:

- (1) Certification is withdrawn by the dean by mailing notice to that effect to the law student and the Board of Law Examiners along with the reason(s) for such withdrawal;
- (2) Certification is terminated by the Board of Law Examiners by mailing a notice to that effect to the law student and to the dean along with the reason(s) for such termination;
- (3) The student does not take the first bar examination following his or her graduation, upon which the certification will terminate on the first day of the exam;
- (4) The student takes but fails the bar examination, upon which the certification will terminate upon notice to the dean and the law student of such failure; or
- (5) The student takes and passes the bar examination and is admitted to the bar of this court.

2.04 Supervisory Attorney

The attorney who supervises a student shall:

- (1) be a member of the bar of this court;
- (2) assume personal professional responsibility for and supervision of the student's work;
- (3) assist the student to the extent necessary;
- (4) sign all pleadings;

(5) appear with the student in all trials;

(6) appear with the student at all other proceedings unless the attorney deems his or her personal appearance unnecessary to assure proper supervision. This authorization shall be made in writing and shall be available to the judge or other official conducting the proceedings upon request.

2.05 Miscellaneous

Nothing contained in this rule shall affect the existing rules of this court or the right of any person who is not admitted to practice law to do anything that he or she might lawfully do prior to the adoption of this rule.

Rule 3. Student Observation of Professional Activities

Rule 3.01 Observation of Professional Activities

An eligible law student may, under the supervision of a member of the bar, observe any and all professional activities of a member of the bar, including client communications. Communications between the client and the student shall be privileged under the same rules that govern the attorney-client privilege and work product doctrine, and the presence of the student during communications between the lawyer and client shall not, standing alone, waive these evidentiary privileges.

The law student's observation must be part of an academic program or a course for academic credit.

Rule 3.02 Eligible Law Students

An eligible law student is one who:

(1) is duly enrolled at the time of original certification in a school of law approved by the American Bar Association;

(2) has been certified by the dean or designee of the law school as being of good academic standing;

(3) has signed a statement certifying that the student will maintain the confidentiality that a lawyer is required to maintain under Rule [1.6](#) of the Minnesota Rules of Professional Conduct; and

(4) has been identified as a student and accepted by the client.

Rule 3.03 Certification

Certification of a student by the law school shall be filed with the Board of Law Examiners for approval. Written notification of approval shall be provided to the law school. The certification shall remain in effect for twelve (12) months after the date filed. Law students may be recertified for additional twelve-month periods. Certification shall terminate sooner than twelve (12) months upon the occurrence of the following events:

- (1) Certification is withdrawn by the dean by mailing notice to that effect to the law student and the Board of Law Examiners along with the reason(s) for such withdrawal;
- (2) Certification is terminated by the Board of Law Examiners by mailing a notice to that effect to the law student and to the dean along with the reason(s) for such termination;
- (3) The student does not take the first bar examination following his or her graduation, upon which the certification will terminate on the first day of the exam;
- (4) The student takes but fails the bar examination, upon which the certification will terminate upon notice to the dean and the law student of such failure; or
- (5) The student takes and passes the bar examination and is admitted to the bar of this court.

Rule 3.04Supervisory Attorney

The attorney who supervises a student under Rule 3 shall:

- (1) be a member of the bar of this court;
- (2) assume personal professional responsibility for and supervision of the student's conduct;
- (3) be present with the student during all interactions with the client; and
- (4) report to the law school supervisor for the academic program or course as required by the law school supervisor.

Rule 3.05Miscellaneous

Nothing contained in this rule shall affect the existing rules of this court or the right of any person who is not admitted to practice law to do anything that he or she might lawfully do prior to the adoption of this rule.

Mississippi Code

Chapter 3. Attorneys at Law

Article 5. Law Students

§ 73-3-201. Short title

This article shall be known as “The Law Student Limited Practice Act.”

§ 73-3-203. Public interest

It is in the public interest to encourage the establishment and operation of effective legal internship and clinical legal education programs by law schools in this state and the utilization of services of law students in such programs as a form of legal education.

§ 73-3-205. Definitions

For purposes of this article, the following words and terms shall have the following meanings:

- (a) “Law student” means a law student regularly enrolled in a law school in this state who (i) if enrolled and assigned in a legal internship program, has completed two-thirds ($\frac{2}{3}$) of the required number of hours for graduation from that school, or (ii) if enrolled in a clinical legal education course, has completed one-half ($\frac{1}{2}$) of the required number of hours for graduation from that school.
- (b) “Legal internship program” means a program or course for academic credit which is established by a law school of this state and directed or generally supervised by a member of the faculty or staff of the school in which law students are assigned to work under the supervision of supervising attorneys.
- (c) “Supervising attorneys” means attorneys who: (i) are licensed to practice law in Mississippi and who are public officials, or (ii) are licensed to practice law in Mississippi and have actively practiced more than three (3) years in public offices, agencies or departments, in public defender offices, or in nonprofit or publicly funded legal services or agencies and to whom students are assigned as interns.
- (d) “Clinical legal education course” means a course for academic credit which is established by a law school in this state in which law students assist a clinical teacher in providing legal services to clients under the direct and regular personal supervision of the clinical teacher.
- (e) “Clinical teacher” means a member of the faculty or staff of a law school in this state who teaches and supervises law students in a clinical legal education course and is licensed to practice law in Mississippi.

§ 73-3-207. Authorization of law students; limited practice

A law student enrolled in a legal internship program or a clinical legal education course is authorized to engage in limited practice in the state and federal courts of this state with the following conditions and limitations:

(a) The law student will petition the court and take the oath, as prescribed in this article, and be admitted to limited practice by an order of a judge of a circuit or chancery court, as prescribed in this article, in the district in which the student will practice, or by an order of a United States District Judge or United States Magistrate Judge of the United States District Court for the Southern District of Mississippi or the United States District Court for the Northern District of Mississippi.

(b) Upon filing the oath and order in the office of the clerk of that court, the law student will be authorized to engage in limited practice in any state or federal court in the state subject to any controls and limitations ordered by the judge of the court.

(c) The authority for limited practice by a law student will continue during any regular school terms in which the law student is enrolled in a legal internship or clinical legal education course, including the intersessions between terms. The authority may be revoked by the court granting it for good cause.

(d) A law student may not directly represent clients but may only assist the supervising attorney or clinical teacher in representing their clients. All pleadings and entries of record in courts must be signed by the supervising attorney or clinical teacher.

(e) Law students may appear and participate in trials and hearings in courts if the supervising attorney or clinical teacher is present and supervising the student.

(f) Law students assigned as interns to prosecuting attorneys may assist the supervising attorney before grand juries subject to the same prohibitions and penalties as to disclosure and secrecy as are members of the grand jury.

(g) Law students will be subject to the same standards and rules of professional conduct and ethics and the same rules of discipline as are licensed attorneys.

(h) Law students shall receive no compensation for their services but may be reimbursed actual expenses if funds are available for that purpose.

§ 73-3-209. Oath; law students

A law student who meets the qualifications set forth in this article may petition a circuit court, chancery court, the United States District Court for the Southern District of Mississippi or the United States District Court for the Northern District of Mississippi and present the oath in the following form:

“PETITION AND OATH FOR ADMISSION TO LIMITED PRACTICE

The undersigned, ..., does state and affirm that I am a law student who has the qualifications for admission to limited practice under the Law Student Limited Practice Act, [Section 73-3-201 et seq.](#), [Mississippi Code of 1972](#), and seek the authority of this court to engage in limited practice under that act.

I do, upon my oath, solemnly swear (or affirm) that when granted that authority I will demean myself in accord with the conditions and limitations of the Law Student Limited Practice Act according to the best of my learning and ability and with all good fidelity as well to the court as to the client; that I will use no falsehood nor delay any person's cause for lucre or malice, and that I will support the Constitution of the United States and of the State of Mississippi so long as I continue a citizen thereof.

It is therefore prayed that this court order my admission to limited practice pursuant to said act.”

The filing of the petition signed by the law student will constitute a sworn statement by the student under oath.

§ 73-3-211. Judicial order

Upon finding that a law student meets the qualifications for limited practice under this article, a judge of the court may order the admission of the student to limited practice in the following form:

“ORDER

Be it known that, a law student, has petitioned this court for admission to the limited practice of law and presented the prescribed oath pursuant to the provisions of the Law Student Limited Practice Act, [Section 73-3-201 et seq., Mississippi Code of 1972](#), and having found that said petitioner is a citizen of the United States who meets the requirements for such admission, the court therefore finds that petitioner is entitled to admission to the limited practice of law under said act.

It is therefore ordered and adjudged that is admitted to the limited practice of law as a law student in all the state and federal courts of this state for the duration and upon the terms, conditions and limitations prescribed by said act.

Ordered and adjudged this day of, 20.....”

The petition and oath of the law student and the order of the court will be kept on file in the office of the clerk of the court.

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.)

Montana Student Practice Rule

May 1, 1975

The following order was issued by the Montana Supreme Court on April 30, 1975:

IN THE MATTER OF THE ESTABLISHMENT OF A MONTANA STUDENT PRACTICE RULE

PER CURIAM:

Dean Robert E. Sullivan of the University of Montana Law School, and Ronald F. Waterman, Esq., Chairman of Liaison Committee of the Montana Bar Association (now the State Bar of Montana) and the Student Bar Association of the Law School, petitioned this Court to adopt a rule permitting and governing student practice.

A hearing was had on said petition and the proposed rule was also submitted to our local Bar Associations throughout Montana and received many endorsements, and the Court having now considered the matter and being advised in the premises,

IT IS HEREBY ORDERED that the following rule permitting and governing law student practice be adopted:

MONTANA STUDENT PRACTICE RULE

I. Purpose

The bench and the bar are responsible for providing competent legal services. This rule is adopted as one means of providing assistance to practicing lawyers in providing such services and to encourage law schools to provide clinical instruction in trial work of varying kinds.

II. Activities

A. An eligible law student may appear in any court or before any administrative tribunal in this state on behalf of any person if the person on whose behalf he is appearing has indicated in writing his consent to that appearance and the supervising lawyer has also indicated in writing approval of that appearance, in the following matters:

1. Any civil matter. In such cases the supervising lawyer is not required to be personally present in court unless directed to be present by the judge, magistrate, or referee before whom the matter is pending.

2. Any criminal matter in which the defendant 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.

3. Any criminal matter in which the defendant 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. An eligible law student may also appear in any criminal matter on behalf of the State with the written approval of the supervising lawyer and the prosecuting attorney or his authorized representative.

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.

D. A judge may exclude a law student from active participation in proceedings before the court, in the interest of orderly administration of justice or for the protection of a client or witness, and shall thereupon grant a continuance to secure the attendance of the supervising lawyer.

E. Under the general supervision of a member of the State Bar of Montana, but outside the personal presence of that lawyer, an eligible law student may engage in other activities, 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 signed by the supervising lawyer.

3. Advising, negotiating, and performing other appropriate legal services, but only after prior consultation with and obtaining the express consent of the supervising lawyer. Negotiations are subject to final approval of the supervising lawyer.

F. An eligible law student may participate in oral argument in the Supreme Court of Montana, but only in the presence of the supervising lawyer.

III. Requirements and Limitations [Please see [1991 amendment](#) to this section]

In order to make an appearance pursuant to this rule, the law student must:

A. Be duly enrolled in a law school approved by the American Bar Association.

B. Have completed legal studies amounting to at least two-thirds (2/3) of the total credit hours required for graduation.

C. Be certified by the dean of the law school as being of good character and competent legal ability and as being adequately trained to perform as a legal intern.

D. Be introduced to the court in which he is appearing by an attorney admitted to practice in that court.

E. Neither ask for nor receive any compensation or remuneration of any kind for his services from the person on whose behalf he 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.

F. Certify in writing that he has read and is familiar with and will abide by the Code of Professional Responsibility.

IV. Certification

The certification of a student by the law school dean;

A. Shall be filed with the clerk of the court; and, unless it is sooner withdrawn, it shall remain in effect until the expiration of twelve (12) months after it is filed, or admission to the bar, whichever occurs first. Upon exceptional circumstances shown, the dean may renew the certification for one more twelve (12) month period. Law school graduates who must take the bar examination are eligible until the results are announced of the first bar examination after their certification under this rule.

B. May be withdrawn by the dean at any time by mailing a notice to that effect to the clerk of the court, who shall forthwith mail copies thereof to the student and the supervising lawyer.

C. May be terminated by the court at any time without notice or hearing and without any showing of cause.

V. Supervision

The lawyer under whose supervision an eligible law student participates in any of the activities permitted by this rule shall:

A. Be a member in good standing of the State Bar of Montana whose service as a supervising lawyer for this program is approved by a judge of the court in which the student must appear.

B. Assume personal professional responsibility for the student's guidance in any work undertaken and for supervising the quality of the student's work.

C. Assist and counsel the law student in the activities mentioned in these rules and review such activities with such student, all to the extent required for the proper practical training of the student and the protection of the client.

D. No supervising lawyer shall have supervision over more than one (1) law student at any one time: however, in the case of recognized legal aid, legal assistance, public defender, and similar programs furnishing legal assistance to indigents, or of state, county, or municipal legal departments, the

supervising lawyer may supervise two (2) law students at one time. This restriction shall not apply to any clinical legal education program conducted as a part of the curriculum of any law school in this state.

VI. Miscellaneous

A. Nothing contained in this rule shall affect the right of any person who is not admitted to practice law to do anything that he might lawfully do prior to the adoption of this rule.

B. This rule shall not restrict any previous court orders concerning student practice.

IT IS FURTHER ORDERED that this rule shall be effective May 1, 1975.

DATED this 30th day of April, 1975.

**Amendment to the
Montana Student Practice Rule
August 13, 1991**

The following order was issued by the Montana Supreme Court on August, 13, 1991:

**IN THE MATTER OF THE
AMENDMENT OF THE
MONTANA STUDENT PRACTICE RULE**

By order dated April 30, 1975, this Court adopted the Montana Student Practice Rule (Rule). The Rule allows certain law students to provide assistance to practicing lawyers, within limited parameters. One of the provisions of the Rule has been that the law student must have completed legal studies amounting to at least two-thirds of the total credit hours required for graduation before being eligible to practice under the Rule.

Over the past several years, it has come to the Court's attention that a number of law students have essentially completed two-thirds of their law school studies but are a few credits short of the Rule's requirement. It has been the practice of the Court, upon petition by these students, to allow them to practice under the Rule provided that they are certified by the dean of the law school as being of good character and competent legal ability and as being adequately trained to perform as a legal intern. It is our intention to incorporate this practice the Rule

IT IS NOW ORDERED that Section III of the Montana Student Practice Rule is amended to read as follows:

III. Requirements and Limitations

In order to make an appearance pursuant to this rule, the law student must:

A. Be duly enrolled in a law school approved by the American Bar Association.

B. Have completed legal studies amounting to at least two-thirds (2/3) of the total credit hours required for graduation, or be within five credit hours (assuming ninety credits are required for graduation) of meeting this requirement.

C. Be certified by the dean of the law school as being of good character and competent legal ability and as being adequately trained to perform as a legal intern.

D. Be introduced to the court in which he is appearing by an attorney admitted to practice in that court.

E. Neither ask for nor receive any compensation or remuneration of any kind for his services from the person on behalf he 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.

F. Certify in writing that he has read and is familiar with and will abide by the Code of Professional Responsibility.

The Clerk is instructed to send a copy of this order to J. Martin Burke, dean of the Law School of the University of Montana.

DATED this 13th day of August, 1991.

Nebraska Court Rules § 3-701 to -706

Article 7: Senior Law Students; Limited Practice of Law.

§ 3-701. Purpose

The purpose of this rule is to provide senior law students with supervised practical training in the practice of law during the period of their formal legal education.

§ 3-702. Activities.

An eligible law student may engage in the following activities:

(A) Appear and participate in:

(1) Trials in civil matters in Workers' Compensation Court, county courts, and district courts in this State when acting under the general supervision of an attorney duly admitted to practice in Nebraska. Any such appearance in Workers' Compensation Court, county courts, and district courts must be in the personal presence of the supervising attorney, except that the county court judge, may waive the requirement of personal presence of a supervising attorney in specific cases for an eligible law student who has previously participated in a trial in that court in the personal presence of the supervising attorney. For the purposes of this rule, proceedings to enforce a penalty for violation of a municipal ordinance shall be deemed criminal in nature.

(2) Criminal matters in all courts when acting under the general supervision of an attorney duly admitted to practice in Nebraska who is defending any case in these courts. Such appearance must be in the personal presence of the supervising attorney.

(3) Criminal matters in all courts when acting as an assistant to a county attorney, deputy county attorney, or other prosecuting official duly admitted to practice in Nebraska. Such appearance must be in the personal presence of the supervising attorney.

(4) Postconviction and habeas corpus matters in all courts when acting under the general supervision and in the personal presence of a lawyer admitted to practice in Nebraska who is prosecuting or defending such a case.

(5) Juvenile matters when acting under the general supervision of an attorney duly admitted to practice in Nebraska who is prosecuting or defending such case. Any such appearance must be in the personal presence of the supervising attorney.

(B) Hold consultations and prepare pleadings, briefs, and other documents to be filed in any matter in which the student is eligible to appear, when acting under the general supervision of an attorney duly admitted to practice in Nebraska. Such pleadings, briefs, and other documents must be signed by the supervising attorney but may also set forth the name of the eligible law student who has participated in preparation of the document(s).

(C) Prepare briefs and other documents to be filed in the Nebraska Court of Appeals and the Supreme Court of Nebraska, but such briefs or other documents must be prepared under the general supervision of

and signed by an attorney duly admitted to practice in Nebraska. Each such instrument may set forth the name of the eligible law student who has participated in preparation of the document(s).

(D) Participate in oral argument in the Nebraska Court of Appeals and the Supreme Court of Nebraska, but only in the personal presence of an attorney of record in the case and only with the prior approval of the Court.

(E) Hold consultations with clients, advise clients on legal matters, and prepare any documents related to such consultations and legal advice.

Rule 2(C) and (D) amended November 22, 2000. Renumbered and codified as § 3-702, effective July 18, 2008. § 3-702(E) amended September 13, 2012.

§ 3-703. Requirements and limitations.

To become eligible to participate in legal activities pursuant to this rule, a law student must:

(A) Be duly enrolled in a law school approved by the American Bar Association. A law student will be considered duly enrolled during the period of his law school's next summer vacation period following completion of the requirements of [§ 3-703\(B\)](#).

(B) Have completed legal studies sufficient to have attained senior standing at his or her law school.

(C) Be certified by the dean of his or her law school as being of good character and competent legal ability, and as being adequately trained to perform as a legal intern under the general supervision of the attorney or attorneys designated by name.

(D) To the extent the student is appearing before a court, be introduced to the court in which he or she is appearing by an attorney duly admitted to practice in that court.

(E) To the extent the student is appearing before a court, receive the affirmative consent of the court in which he or she is appearing to appear before it.

(F) Not ask for or receive any compensation or remuneration of any kind for his or her services directly from the client on whose behalf he or she renders services. This provision is not intended to preclude the supervising attorney from compensating the eligible law student nor to prevent the supervising attorney from receiving a fee from the client for the services performed in compliance with the otherwise applicable rules of proper professional conduct.

Rule 3(B) amended May 20, 1992; Rule 3(A) amended July 31, 1992. Renumbered and codified as § 3-703, effective July 18, 2008. §§ 3-703(D)-(F) amended September 13, 2012.

§ 3-704. Supervision.

The lawyer under whose supervision an eligible law student engages in any of the activities permitted by this rule shall:

(A) Be duly admitted to practice law in Nebraska.

(B) Assume personal professional responsibility to the client for the services performed by the law student.

(C) Secure the prior written consent of the client for the services actually to be performed in court by the law student.

(D) Assume personal professional responsibility for the student's guidance in any work undertaken and for supervising the quality of the student's work.

(E) Assist the student in his or her preparation to the extent the supervising lawyer considers it necessary.

§ 3-705. Certification.

The certification of a student by the law school dean:

(A) Shall be filed with the Clerk of this Court and, unless it is sooner withdrawn, shall terminate if the student does not take the first bar examination following his or her graduation, or if the student takes such bar examination and fails it, or if he or she is admitted to full practice before this court.

(B) May be withdrawn by the dean at any time by mailing a notice thereof to the Clerk of this Court. It is not necessary that the notice state the cause for withdrawal.

(C) May be terminated by this Court at any time without prior notice and without any showing of cause.

Rule 5(A) amended September 25, 2002. Renumbered and codified as § 3-705, effective July 18, 2008.

§ 3-706. Miscellaneous.

Nothing contained in this rule shall affect the right of any person who is not admitted to practice law in Nebraska to do anything that he or she might lawfully do prior to the adoption of this rule.

SUPREME COURT RULES

ADOPTED BY THE SUPREME COURT OF NEVADA

Rule 49.5. Limited practice for law students. Notwithstanding the provisions of Rule 49, law students who meet and comply with the criteria delineated in this rule may be certified by the state bar for training in the practice of law.

1. **Eligibility.** To engage in the activities permitted by this rule, a law student must meet one of the following eligibility requirements:

(a) Students working on pro bono cases or for governmental or not-for-profit entities must:

(1) Be enrolled in or have graduated from a law school approved by the American Bar Association and be supervised by a member of the State Bar of Nevada who meets the requirements of subsection 3(b)(1).

(2) Be certified by the dean of the student's law school, on a form to be furnished or approved by the state bar, as being in good academic standing and having successfully completed the minimum credit hours set out in subsection 1(b)(3).

(3) Have successfully completed legal studies amounting to:

(i) At least thirty (30) semester credit hours, or the equivalent, to participate in the activities described in subsection 4 ("level 1 certification").

(ii) At least forty-five (45) semester credit hours, or the equivalent, to participate in the activities described in subsection 5 ("level 2 certification").

(4) Apply for certification pursuant to this rule on a form to be furnished by and filed with the state bar. The application shall include the student's written certification that he or she has read and is familiar with the Model Rules of Professional Conduct of the American Bar Association and the Rules of Professional Conduct of this court and will abide by the same in the activities permitted by this rule. The filing of an application pursuant to this rule is deemed a consent by the student to be subject to all disciplinary processes of the state bar. Any offense which would subject a lawyer admitted to practice law in this state to suspension or disbarment may be punished by suspension or forfeiture of the student's privilege of taking the bar examination and being licensed to practice law in this state; or

(b) Participants in clinical or externship programs must:

(1) Be enrolled, or completing assignments pursuant to enrollment, in a clinical or externship program of an ABA-approved school of law.

(2) Be certified by the dean of the student's law school, on a form to be furnished or approved by the state bar, as being in good academic standing and qualified in ability, training, and character to participate in the activities permitted by this rule.

(3) Have successfully completed legal studies amounting to:

(i) At least thirty (30) semester credit hours, or the equivalent, to participate in the activities described in subsection 4 (“level 1 certification”).

(ii) At least forty-five (45) semester credit hours, or the equivalent, to participate in the activities described in subsection 5 (“level 2 certification”).

(4) Apply for certification pursuant to this rule on a form to be furnished by and filed with the state bar. The application shall include the student’s written certification that he or she has read and is familiar with the Model Rules of Professional Conduct of the American Bar Association and the Rules of Professional Conduct of this court and will abide by the same in the activities permitted by this rule. The filing of an application pursuant to this rule is deemed a consent by the student to be subject to all disciplinary processes of the state bar. Any offense which would subject a lawyer admitted to practice law in this state to suspension or disbarment may be punished by suspension or forfeiture of the student’s privilege of taking the bar examination and being licensed to practice law in this state.

2. Certification.

(a) The certification of a student by the law school dean shall be filed with the state bar on a form furnished or approved by the state bar. Unless sooner withdrawn or terminated, such certification shall remain in effect as long as the student remains eligible to participate in the activities permitted under this rule.

(b) The certification may be withdrawn by the dean or an assistant or associate dean at any time without notice or hearing and without any showing of cause. The certification shall be withdrawn if the student ceases to be duly enrolled as a law student prior to his or her graduation. Notice of a withdrawal of certification shall be filed with the state bar and mailed to the student and the supervising lawyer.

(c) The certification may be terminated by the state bar at any time without notice or hearing and without any showing of cause by mailing a notice of such termination to the student, the supervising lawyer, and the student’s law school dean.

(d) The certification terminates automatically:

(1) If the student does not apply for or take the first Nevada bar examination to be administered after the student has satisfied the educational requirements therefor.

(2) If the student does not pass that examination.

(3) Fifty (50) days after announcement of the results of that examination, if the student passes the examination.

3. Supervision. A “supervising lawyer” shall mean either a lawyer or law professor employed by the Boyd School of Law in a clinical program and certified to practice in Nevada, or a member of the state bar in active practice.

(a) A supervising lawyer shall:

(1) Personally assume professional responsibility for all work undertaken by the student while under the lawyer's supervision.

(2) Assist and counsel the student in the activities permitted by this rule and review such activities with the student, to the extent necessary for the proper training of the student and protection of the client.

(3) Read, approve, and personally sign any pleadings, briefs, or other papers prepared by the student before filing; read and approve any documents prepared by the student for execution by any person before submission to that person; and read and approve any correspondence prepared by the student before mailing.

(4) Be present for any appearance by a student before a court or administrative tribunal.

(b) In addition to the above, a supervising lawyer who is not employed by the Boyd School of Law in a clinical program shall:

(1) Be an active resident member of the state bar, and, before supervising the activities specified in subsection 5, shall have actively practiced law in Nevada as a full-time occupation for at least five (5) years.

(2) Supervise not more than one student, unless the student is participating in a Boyd School of Law externship program.

(3) Be continuously personally present throughout the activities permitted under subsection 5, paragraphs (a), (b), and (c).

(4) Before commencing supervision of any student, file with the state bar a notice in writing signed by the supervising lawyer stating the name of the student and the period during which the lawyer expects to supervise the activities of the student.

(5) Notify the state bar in writing promptly whenever supervision of the student pursuant to this rule ceases.

4. **Activities permitted under level 1 certification.** A student may engage in the following activities with the written consent of the person on whose behalf the student is performing the activities with the approval and under the supervision of a supervising lawyer:

(a) Conduct investigations and interview witnesses.

(b) Interview and counsel clients.

(c) Represent clients before legislative and administrative bodies.

5. **Activities permitted under level 2 certification.** A student may engage in the following activities with the written consent of the client on whose behalf the student is performing the activities and with the approval and under the supervision of a supervising lawyer:

(a) Appear in any court or before any administrative tribunal in this state on behalf of any person.

- (b) Counsel and give legal advice to clients.
- (c) Negotiate and mediate the settlement of claims and disputes.
- (d) Prepare documents to be filed in court or with a legislative or administrative body.
- (e) Prepare transactional documents such as contracts, incorporation papers and by-laws, and filings required by a state, federal, or other governmental body.

In all instances where, under this rule, a student is permitted to appear in court or before an administrative tribunal, the student shall file with the court or tribunal a copy of the written consent of the client required by this subsection and shall bring that consent to the attention of the judge of the court or presiding officer of the tribunal.

6. Use of student's name. A student's name may properly be:

- (a) Signed and printed or typed on briefs, pleadings, and other similar documents on which the student has worked under the direction of the supervising lawyer if the student is clearly identified as a student certified under this rule.
- (b) Signed to letters written on the supervising lawyer's letterhead which relate to the student's supervised work if the student is clearly identified as a student certified under this rule.

7. Limitations.

(a) A law student may neither ask for nor receive any compensation or remuneration of any kind directly from the person on whose behalf he or she renders service. Nor may a supervising lawyer charge a client an amount greater than that customarily charged for the lawyer's services. This shall not prevent a lawyer, law firm, organization having an established legal department, nonprofit organization rendering legal aid to indigent persons, or public agency from paying compensation not otherwise prohibited under these rules.

(b) Nothing in this rule shall affect the right of any person who is not admitted to practice law to do anything that the person might lawfully do before the adoption of this rule.

8. Place of filing. All documents required to be filed with the state bar by this rule shall be filed with the admissions director of the state bar.

[Added; effective August 14, 2000; amended effective November 8, 2010.]

RULES OF THE SUPREME COURT OF THE STATE OF NEW HAMPSHIRE

Rule 36. Appearances in Courts by Eligible Law Students and Graduates.

(1) Notwithstanding the provisions of any superior court rule concerning persons who are not lawyers, of any superior court rule and district court rule concerning lawyers who are not members of the bar of this State, and of any other such court rules, an eligible law student or law graduate acting under a supervising attorney may appear in any court in this State as herein provided, in behalf of any indigent person, the State of New Hampshire, a State agency, or a State subdivision.

(2) The supervising attorney shall be a member of the bar of this State and, with respect to the law student or graduate's proposed appearances in any court, shall file with the clerk of this court the attorney's written consent to:

(a) supervise the student or graduate;

(b) assume personal professional responsibility for the student's or graduate's work and consider purchasing professional liability insurance coverage to include such law student or graduate;

(c) assist the student or graduate to the extent necessary;

(d) appear with the student or graduate in courts in this State when, in the supervising attorney's judgment, the nature of the case requires the supervising attorney's presence; and

(e) participate with the student or graduate in all settlement or plea negotiations and remain available at all times for consultation with opposing counsel without the participation of the student or graduate.

The supervising attorney shall waive the right to the confidentiality of proceedings resulting from complaints to the Committee on Professional Conduct, for the limited purpose of permitting disclosure of such proceedings by said committee to this court in connection with the court's review of a filing under this rule.

The presence of the supervising attorney in the superior court shall be required in all contested civil cases and in all criminal cases, and in district and municipal courts at probable cause hearings. Practicing members in good standing of the bar of another State for at least two years may on application to this court be exempt from the provisions of this rule relating to appearances in superior court and at probable cause hearings in district and municipal courts, provided that they prepare to take and do take the next bar examination in this State for which they are eligible or, having taken that examination, they are awaiting publication of the results of, or admission to the bar after passing, that examination. The presence of the supervising attorney shall be required in all cases in this court provided, however, that a student or graduate may appear in this court only in cases heard under Rule 12-D and with prior approval of this court.

The attorney shall file his written consent immediately upon his consenting to supervise a law student or graduate. Following such initial written consent, in every instance in which an attorney consents to continue his supervision of the law students and graduates under this rule, the attorney shall annually refile his written consent with the clerk of the supreme court in the month of October. The attorney shall

file a withdrawal of his written consent immediately upon the termination of his supervision of any such student or graduate.

(3) In order to be eligible to appear:

(a) the student shall

(1) be enrolled full-time in a law school approved by the American Bar Association. The student shall be deemed to continue to meet this requirement as long as, following graduation, he or she is preparing to take and does take the next State bar examination of the State of his or her choice for which he or she is eligible or, having taken that examination, the student is awaiting publication of the results of, or admission to the bar after passing, that examination;

(2) have completed legal studies amounting to at least four semesters, or the equivalent, or have completed two semesters and be enrolled in a law school clinical course with a classroom component geared to training the students for the work, and be of good moral character and fitness;

(3) be certified, by either the dean or a faculty member of his or her law school designated by the dean, as qualified to provide the legal representation permitted by this rule. This certification may be withdrawn by the dean or designated faculty member by mailing a notice of withdrawal to the clerk of this court at any time without notice or hearing and without any showing of cause. The loss of certification by action of this court shall not be considered a reflection on the character or ability of the student. The dean or a faculty member designated by the dean may recertify such a student for appearances under this rule;

(b) the law graduate shall:

(1) have graduated from a law school approved by the American Bar Association and be of good moral character and fitness. The graduate shall be deemed to continue to meet this requirement as long as he or she is preparing to take and does take the next bar examination in this State for which he or she is eligible or, having taken that examination, he or she is awaiting publication of the results of, or admission to the bar after passing, that examination.

(c) the law student or law graduate shall:

(1) neither ask for nor receive any compensation or remuneration of any kind for his or her services from the party on whose behalf he or she renders services, but this shall not prevent an attorney, an approved legal aid society, federally funded legal services program, law school, public defender program, the State, a State agency, or a subdivision of the State, from paying compensation to the eligible law student or graduate nor shall it prevent any agency from making proper charges for its services;

(2) certify in writing that he or she is familiar, and will comply, with the Rules of Professional Conduct approved by this court;

(3) certify in writing that he or she is familiar with the rules of this court and of other courts in this State, and any other rules relevant to the cases in which he or she is appearing and that he or she will agree to be bound by the Rules of Professional Conduct, and by the Guidelines for the Utilization by

Lawyers of the Services of Legal Assistants Under the New Hampshire Rules of Professional Conduct not inconsistent with this rule;

(4) certify in writing that he or she acknowledges that his or her appearance under this rule may be suspended for cause on order of any justice of any court of this State, subject to reinstatement shown to the supreme court;

(5) file a sworn affidavit certifying that except as otherwise stated he or she has not ever been a party to any criminal proceedings.

(4) Upon filing with the clerk of this court the written consents, certifications and character affidavits required by this rule, an eligible law student or graduate supervised in accordance with this rule may appear before any court as herein provided with respect to any case for which the student or graduate has met the requirements of this rule; provided that the requirements of this rule shall not be deemed to have been met by any person who has been a party to any criminal proceeding until the court shall have notified such person in writing that he or she has met the requirements of the rule.

(5) Forms to be completed:

(a) FORM FOR DESIGNATING COMPLIANCE WITH STUDENT/GRADUATE PRACTICE RULE

(Name of Student or Graduate)
Address & Phone of Above:

(Name of Supervising Attorney)
Address & Phone of Above:

Name of Law School Student is Attending: _____

Number of Semesters Student has Completed: _____

Name of Graduate's Law School: _____
(Attach copy of certificate of graduation)

Admitted to Bar of _____ on _____
(Attach copy of certificate of admission)

(b) CONSENT TO BE COMPLETED BY THE LAW STUDENT'S OR LAW GRADUATE'S SUPERVISING ATTORNEY:

I shall carefully supervise all of this student's or graduate's work. I shall accompany the student or graduate at court appearances, as required by Rule 36 and otherwise when reasonably necessary; sign all documents prepared by the student or graduate; assume personal responsibility for the student's or graduate's work, and compliance with the rules of court, the Rules of Professional Conduct, and the Guidelines for Utilization by Lawyers of the Services of Nonlawyer Assistants not inconsistent with Rule 36; participate in settlement or plea negotiations and be available for consultation, as required by subsection 2(e) of Rule 36; and be prepared to supplement, if necessary, any statements made by the student or graduate to the court or to opposing counsel. In order to permit the court to review this Rule 36 filing, I hereby waive my right to the confidentiality of any proceedings before the Professional Conduct Committee and agree that information concerning them may be disclosed to the court for that limited purpose.

(Date)

(Signature of Attorney)

(c) CERTIFICATE TO BE COMPLETED BY LAW STUDENT/GRADUATE:

I certify that I have completed at least four semesters of, or have graduated from, law school; that I am familiar and will comply with the Rules of Professional Conduct and the Guidelines for Utilization by Lawyers of the Services of Nonlawyer Assistants as adopted in this State and approved by this court, the rules of this court and other courts in this State, and any other rules relevant to the case in which I am appearing; and that I am receiving no compensation from the party on whose behalf I am rendering services.

(Date)

(Signature of Student or Graduate)

(d) AFFIDAVIT TO BE COMPLETED BY LAW STUDENT/ GRADUATE:

I certify that I have not, except as stated below and except for proceedings (if any) in which a record of conviction and sentence has been annulled by statute, ever been a party to any criminal proceedings which in New Hampshire would be classified as violations, misdemeanors, or felonies.

<u>Date</u>	<u>Court Name and Location</u>	<u>Nature of Proceeding</u>	<u>Disposition</u>
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(Date)

(Signature of Student or Graduate)

State of New Hampshire
County of

On this _____ day of _____, 20____, before me, the undersigned officer, personally appeared _____, to me personally known (or satisfactorily proven) to be the person whose name is affixed to this affidavit, and made oath that the statements therein contained are true to the best of his or her knowledge and belief.

Notary Public
(My commission expires
_____)

(e) CERTIFICATE TO BE COMPLETED BY THE DEAN OR A DESIGNATED FACULTY MEMBER OF THE LAW SCHOOL ATTENDED BY THE STUDENT:

I certify that this student has completed at least four semesters of law school work and is, to the best of my knowledge, of competent legal ability. I further certify that he or she is, to the best of my knowledge, of good moral character and fitness and that the records of law school do not, except as stated below, disclose that the student has been the subject of any law school disciplinary action or has been a party to any criminal proceedings which in New Hampshire would be classified as violations, misdemeanors, or felonies.

[State any exceptions]

(Signature of Dean or Faculty Member)

(Date)

(Position of Above)

(6) The clerk of the supreme court shall maintain a record of the name of each law student and law graduate and the name of the law student's and law graduate's supervising attorney who comply with the provisions of this rule.

(7) This rule shall not apply to any person who has taken and failed to pass the New Hampshire bar examination or the latest bar examination in any other state.

Rules Governing the Courts of the State of New Jersey

1:21-3. Appearance by Law Graduates and Students; Special Permission for Out-of- State Attorneys

- **(a) Appearance Prior to Passing Bar Examination.** A graduate of a law school approved by the American Bar Association who has successfully completed an approved skills and methods course may, before passing the bar examination, appear in any court for the purpose of answering the calendar call in an action in which the attorney or firm employing the graduate is the attorney of record.
- **(b) Appearance by Law Students and Graduates.** A third year law student at, or graduate of, a law school approved by the American Bar Association may appear before a trial court or agency in accordance with a program approved by the Supreme Court on submission by such law school, a legal aid society, legal services project, or an agency of municipal, county or state government. A program once approved, need not be resubmitted to the Supreme Court provided that reports are filed listing the participants and the nature of their assignments, as required by the Administrative Office of the Courts. Participation in a program pursuant to this paragraph by a law graduate who has not passed the New Jersey bar examination shall terminate upon the graduate's failure to pass the bar examination for the third time, or after two years of employment following graduation, whichever is sooner.
- **(c) Permission for Out-of-State Attorneys to Practice in This State.** A graduate of an approved law school who is a member of the bar of another state or of the District of Columbia and is employed by, associated with, or serving as a volunteer pro bono attorney with an organization described in R. 1:21-1(e) and approved by the Supreme Court, shall be permitted to practice, under the supervision of a member of the bar of the State, before all courts of this State in all causes in which the attorney is associated or serving pro bono with such legal services program, subject to the following conditions:
 - **(1)** Permission for an out-of-state attorney to practice under this rule shall become effective on filing with the Clerk of the Supreme Court evidence of graduation from an approved law school, a certificate of any court of last resort certifying that the out-of-state attorney is a member in good standing of the bar of another state or of the District of Columbia, and, (a) in the case of attorneys employed by or associated with an approved R. 1:21-1(e) organization, a statement signed by the President, Legal Services of New Jersey, that the out-of-state attorney is currently employed by or associated with such organization; or (b) in the case of a pro bono attorney with an approved R. 1:21-1(e) organization, on the filing of a statement by the executive director of that organization certifying that the attorney is serving on a voluntary pro bono basis with the organization;
 - **(2)** Permission to practice under this rule shall cease whenever the out-of-state attorney ceases to be employed by, associated with, or serving as a volunteer pro bono attorney with an approved R. 1:21-1(e) organization in this State;

- **(3)** Notice of said cessation shall be filed with the Clerk of the Supreme Court by the President, Legal Services of New Jersey, within five days after being notified of the cessation of the out-of-state attorney's employment or association; or by the executive director of the organization, in the case of a volunteer pro bono attorney;
- **(4)** Permission to practice in this State under this rule shall remain in effect no longer than 2 1/2 years, except that there is no time limit on volunteer pro bono service with an approved R. 1:21-1(e) organization;
- **(5)** Permission to practice in this State under this rule may be revoked or suspended by the Supreme Court, in its discretion, at any time either by written notice to the out-of-state attorney or by amendment or deletion of this rule; and
- **(6)** Out-of-state attorneys permitted to practice under this rule are not, and shall not represent themselves to be, members of the bar of this State.

Note: Source - R.R. 1:12-8A(a)(b)(c). Caption amended and paragraph (d) adopted July 1, 1970 effective immediately; paragraph (c) amended July 7, 1971 to be effective September 13, 1971; paragraph (a) amended April 2, 1973 to be effective immediately; paragraph (c) amended July 17, 1975 to be effective September 8, 1975; caption and paragraph (a) amended July 29, 1977 to be effective September 6, 1977; paragraph (c) amended July 16, 1979 to be effective September 10, 1979; paragraph (c) amended October 9, 1979 to be effective immediately but amendment stayed October 31, 1979; paragraph (c) amended July 21, 1980 to be effective September 8, 1980; paragraph (d) amended July 16, 1981 to be effective September 14, 1981; former paragraph (b) deleted and former paragraphs (c) and (d) redesignated as (b) and (c) November 1, 1985 to be effective January 2, 1986; paragraphs (a), (b) and (c) amended July 13, 1994 to be effective September 1, 1994; paragraph (c) amended July 12, 2002 to be effective September 3, 2002; paragraph (c) amended July 27, 2006 to be effective September 1, 2006.

New Mexico Rules Annotated 1-094, 1-094.1

1-094 . Clinical education; university of New Mexico school of law.

- A. **Purpose.** To permit a clinical program for the university of New Mexico school of law.
- B. **Procedure.** Any law student admitted to the clinical program at the university of New Mexico school of law shall be authorized under the control and direction of the dean of the law school to advise persons and to negotiate and to appear before the courts and administrative agencies of this state, in civil and criminal matters, under the active supervision of a member of the state bar of New Mexico designated by the dean of the law school. Such supervision shall include assignment of all matters, review and examination of all documents and signing of all pleadings prepared by the student. The supervising lawyer need not be present while a student is advising a client or negotiating, but shall be present during court appearances. Each student in the program may appear in a given court with the written approval of the judge presiding over the case and shall file in the court a copy of the order granting approval. The order approving the practice by such student shall be substantially in the form approved by the Supreme Court. The law school shall report annually to the Supreme Court.
- C. **Eligible students.** Any full-time student in good standing in the university of New Mexico school of law who has received a passing grade in law school courses aggregating thirty (30) or more semester hours (or their equivalent), but who has not graduated, shall be eligible to participate in a clinical program if the student meets the academic and moral standards established by the dean of the school.

[As amended, effective May 1, 1986; January 1, 1995.]

1-094.1 . Clinical education; out-of-state law school approved programs.

- A. **Purpose.** To permit out-of-state law students to earn law school clinical law credit hours under the supervision of New Mexico attorneys.
- B. **Practice permitted.** An eligible law student may advise persons, negotiate and appear before the courts and administrative agencies of this state, in civil and criminal matters, under the active supervision of a member of the state bar of New Mexico who has been admitted to practice law for at least five (5) years. Such supervision shall include assignment of all matters, review and examination of all documents and signing of all pleadings prepared by the student. The supervising lawyer need not be present while a student is advising a client or negotiating, but shall be present during court appearances. Each student in the program may appear in a given court with the written approval of the judge presiding over the case and shall file in the court a copy of the order granting approval and a copy of the dean of the law school's certificate required by Paragraph C of this rule. The order approving the practice by such student and the certificate of the dean of the law school shall be substantially in the form approved by the Supreme Court.

C. **Eligible students.** Any law student who is regularly enrolled in an American Bar Association accredited law school may participate in a clinical law program of that law school under the direction of a qualified lawyer of this state as provided in Paragraph B of this rule if the dean of such law school provides a certificate to the supervising lawyer:

(1) that the clinical law program complies with the current standards of the American Bar Association regarding "field placement programs";

(2) the student has received a passing grade in law school courses aggregating thirty (30) or more semester hours or their equivalent; and

(3) the student meets the academic and moral standards required of students enrolled at the institution.

D. **Additional student requirements.** Prior to participating in a clinical law program pursuant to the provisions of this rule, an eligible law student shall read and be familiar with the Rules of Professional Conduct and this rule.

E. **Certificate requirements.** In addition to the requirements set forth in Paragraph C of this rule, the certificate of the dean of an out-of-state law school shall specify the period during which the law student will participate in the clinical law program. Certificates shall be limited to terms not exceeding four (4) months.

[Adopted, effective January 1, 1995.]

New York Court Rules

§ 805.5 Activities of eligible law students and law school graduates authorized by sections 478 and 484 of the Judiciary Law.

(a) Any officer or agency of the state, or of a subdivision thereof, or any legal aid organization whose principal office is located in this department, may make application to the presiding justice of this court for an order authorizing the employment or utilization of law students who have completed at least two semesters of law school and eligible law school graduates as law interns to render and perform legal services, to the extent set forth in paragraph (b) hereof, which the officer, agency or organization making the application is authorized to perform. The application shall set forth the names and addresses of the persons to be appointed and facts showing their eligibility for appointment, together with applicant's certification that they are of good character and competent legal ability.

(b) Authorized activities. Law students who have completed at least two semesters of law school and law school graduates appointed as law interns are authorized to engage in the following activities:

(1) In the Appellate Division, Third Department, to prepare briefs and memorandums of law and, upon prior approval of the court and when under immediate supervision of a supervising attorney, to argue appeals and motions in both civil and criminal actions and proceedings.

(2) In criminal matters, in superior courts, under general supervision of a supervising attorney, to render legal services at arraignments, bail applications, pleas, sentencings, preliminary hearings and post-conviction proceedings, including appeals.

(3) In criminal matters, in inferior courts, under general supervision, to render legal services at arraignments, pleas, sentencings, preliminary hearings, post-conviction proceedings and at non-jury trials in cases involving misdemeanors and lesser offenses; and, when under immediate supervision of a supervising attorney, at jury trials in cases involving misdemeanors.

(4) In family court, under general supervision, to render legal services on motions and in uncontested proceedings, and in contested matters when under immediate supervision of a supervising attorney.

(5) In civil actions and proceedings in or before any court or administrative agency, under general supervision, to render legal services in motions and uncontested matters, and, under immediate supervision, in contested civil matters. Appearances before federal courts and state and federal administrative agencies shall be subject to the rules and regulations of the particular court or agency involved.

(c) Requirements and limitations. A law intern may appear in the courts and administrative agencies specified in paragraph (b) above if the person on whose behalf the intern is appearing

and the supervising attorney have indicated in writing their consent to the appearance. The consents referred to shall be filed with and brought to the attention of the presiding officer of the court or administrative agency. Pleadings, legal documents, briefs and memorandums shall be indorsed by the supervising attorney and may contain the name of the law intern who participated in their preparation.

(d) Limitations on legal aid programs and organizations. Law students who have completed at least two semesters of law school and law school graduates engaged as law interns in a legal aid organization or legal services program whose principal office is located in this department shall be authorized to render legal services to and represent only persons who are financially unable to pay for legal services and are eligible to qualify for free legal services in accordance with the standards and guidelines of the organization or program in which they are engaged. They may not act in bankruptcy proceedings, libel and slander cases, decedent estate matters or contingent fee matters, except where three private attorneys have rejected the case; but, subject to the scope of the purposes of the organization or program in which they are engaged, they may render assistance to indigent persons in any matter in which a party does not have the right to assignment of counsel and to indigent inmates of correctional institutions or other persons who request assistance in preparing applications for post-conviction relief. A law intern shall neither ask for nor receive any compensation or remuneration for services from the party on whose behalf the services are rendered.

(e) Supervision. A supervising attorney shall be the head of the department, agency or legal aid organization making the application, or his or her designee, and shall have at least two years of actual practice in this state. The supervising attorney shall assume personal professional responsibility for any work undertaken by a law intern and shall supervise the preparation of the intern's work. Immediate supervision of a law intern shall mean that the supervising attorney shall be personally present throughout the proceedings.

(f) Length of appointment. A law student who has completed at least two semesters of law school or law school graduate may be employed to render legal services, as authorized herein, until he or she shall have been admitted to the bar or notified that he or she failed the New York State bar examination which was given immediately following graduation from law school. A person who shall fail to pass that examination but shall apply to take the next available New York State bar examination may be redesignated upon application to the presiding justice. The length of the period of service shall be specified in the order of appointment. (Amd. eff. 7/16/93.)

* * * * *

North Carolina State Bar Rules

Chapter 1- Rules and Regulations of the North Carolina State Bar

SUBCHAPTER C-Rules Governing the Board of Law Examiners and the Training of Law Students

Section .0200 Rules Governing Practical Training of Law Students

.0201 Purpose

The following rules are adopted to encourage law schools to provide their students with supervised practical training of varying kinds during the period of their formal legal education and to enable law students to obtain supervised practical training while serving as legal interns for government agencies.

.0202 Definitions

The following definitions shall apply to the terms used in this section:

- (1) Eligible persons - Persons who are unable financially to pay for the legal services of an attorney, as determined by a standard established by a judge of the General Court of Justice, a legal services corporation, or a law school legal aid clinic providing representation. "Eligible persons" includes non-profit organizations serving low-income communities.
- (2) Government agencies - The federal or state government, any local government, or any agency, department, unit, or other entity of federal, state, or local government, specifically including a public defenders office or a district attorney's office.
- (3) Law school - An ABA accredited law school or a law school actively seeking accreditation from the ABA and licensed by the Board of Governors of the University of North Carolina. If ABA accreditation is not obtained by a law school so licensed within three years of the commencement of classes, legal interns may not practice, pursuant to these rules, with any legal aid clinic of the law school.
- (4) Legal aid clinic - A department, division, program, or course in a law school that operates under the supervision of an active member of the State Bar and renders legal services to eligible persons.
- (5) Legal intern - A law student who is certified to provide supervised representation to clients under the provisions of the rules of this Subchapter.
- (6) Legal services corporation - A nonprofit North Carolina corporation organized exclusively to provide representation to eligible persons.
- (7) Supervising attorney - An active member of the North Carolina State Bar who satisfies the requirements of Rule .0205 of this Subchapter and who supervises one or more legal interns.

.0203 Eligibility

To engage in activities permitted by these rules, a law student must satisfy the following requirements:

- (1) be enrolled in a law school approved by the Council of the North Carolina State Bar;
- (2) have completed at least three semesters of the requirements for a professional degree in law (J.D. or its equivalent);
- (3) be certified in writing by a representative of his or her law school, authorized by the dean of the law school to provide such certification, as being of good character with requisite legal ability and training to perform as a legal intern;

- (4) be introduced to the court in which he or she is appearing by an attorney admitted to practice in that court;
- (5) neither ask for nor receive any compensation or remuneration of any kind from any client for whom he or she renders services, but this shall not prevent an attorney, legal services corporation, law school, or government agency from paying compensation to the law student or charging or collecting a fee for legal services performed by such law student;
- (6) certify in writing that he or she has read and is familiar with the North Carolina Revised Rules of Professional Conduct and the opinions interpretive thereof.

.0204 Certification as Legal Intern

Upon receipt of the written materials required by Rule .0203(3) and (6) and Rule .0205(6), the North Carolina State Bar shall certify that the law student may serve as a legal intern. The certification shall be subject to the following limitations:

(a) Duration.

The certification shall be effective for 18 months or until the announcement of the results of the first bar examination following the legal intern's graduation whichever is earlier. If the legal intern passes the bar examination, the certification shall remain in effect until the legal intern is sworn-in by a court and admitted to the bar.

(b) Withdrawal of Certification. The certification shall be withdrawn by the State Bar, without hearing or a showing of cause, upon receipt of

- (1) notice from a representative of the legal intern's law school, authorized to act by the dean of the law school, that the legal intern has not graduated but is no longer enrolled;
- (2) notice from a representative of the legal intern's law school, authorized to act by the dean of the law school, that the legal intern is no longer in good standing at the law school;
- (3) notice from a supervising attorney that the supervising attorney is no longer supervising the legal intern and that no other qualified attorney has assumed the supervision of the legal intern; or
- (4) notice from a judge before whom the legal intern has appeared that the certification should be withdrawn.

.0205 Supervision

(a) A supervising attorney shall

- (1) be an active member of the North Carolina State Bar who has practiced law as a full-time occupation for at least two years;
- (2) supervise no more than two legal interns concurrently, provided, however, there is no limit on the number of legal interns who may be supervised concurrently by an attorney who is a full-time member of a law school's faculty or staff whose primary responsibility is supervising legal interns in a legal aid clinic and, further provided, that an attorney who supervises legal interns through an externship or out-placement program of a law school legal aid clinic may supervise up to five legal interns;
- (3) assume personal professional responsibility for any work undertaken by a legal intern while under his or her supervision;
- (4) assist and counsel with a legal intern in the activities permitted by these rules and review such activities with the legal intern, all to the extent required for the proper practical training of the legal intern and the protection of the client;
- (5) read, approve and personally sign any pleadings or other papers prepared by a legal intern prior to the

filing thereof, and read and approve any documents prepared by a legal intern for execution by a client or third party prior to the execution thereof;

(6) prior to commencing the supervision, assume responsibility for supervising a legal intern by filing with the North Carolina State Bar a signed notice setting forth the period during which supervising attorney expects to supervise the activities of an identified legal intern, and that the supervising attorney will adequately supervise the legal intern in accordance with these rules; and

(7) notify the North Carolina State Bar in writing promptly whenever the supervision of a legal intern ceases.

.0206 Activities

(a) A properly certified legal intern may engage in the activities provided in this rule under the supervision of an attorney qualified and acting in accordance with the provisions of Rule .0205 of this subchapter.

(b) Without the presence of the supervising attorney, a legal intern may give advice to a client, including a government agency, on legal matters provided that the legal intern gives a clear prior explanation that the legal intern is not an attorney and the supervising attorney has given the legal intern permission to render legal advice in the subject area involved.

(c) A legal intern may represent an eligible person, the state in criminal prosecutions, a criminal defendant who is represented by the public defender, or a government agency in any proceeding before a federal, state, or local tribunal, including an administrative agency, if prior consent is obtained from the tribunal or agency upon application of the supervising attorney. Each appearance before the tribunal or agency shall be subject to any limitations imposed by the tribunal or agency including, but not limited to, the requirement that the supervising attorney physically accompany the legal intern.

(d) In all cases under this rule in which a legal intern makes an appearance before a tribunal or agency on behalf of a client who is an individual, the legal intern shall have the written consent in advance of the client. The client shall be given a clear explanation, prior to the giving of his or her consent, that the legal intern is not an attorney. This consent shall be filed with the tribunal and made a part of the record in the case. In all cases in which a legal intern makes an appearance before a tribunal or agency on behalf a government agency, the consent of the government agency shall be presumed if the legal intern is participating in an internship program of the government agency. A statement advising the court of the legal intern's participation in an internship program of the government agency shall be filed with the tribunal and made a part of the record in the case.

(e) In all cases under this rule in which a legal intern is permitted to make an appearance before a tribunal or agency, subject to any limitations imposed by the tribunal, the legal intern may engage in all activities appropriate to the representation of the client, including, without limitation, selection of and argument to the jury, examination and cross-examination of witnesses, motions and arguments thereon, and giving notice of appeal.

North Dakota State Court Rules

Limited Practice of Law by Law Students

I. PURPOSE

The bench and the bar are responsible for providing competent legal services for all persons, including persons unable to pay for those services. As one means of providing assistance to lawyers who represent clients unable to pay for legal services and to encourage law schools to provide clinical instruction in trial work of varying kinds, the following rule is adopted.

II. ACTIVITIES

A. An eligible law student may appear in any court or before any administrative tribunal in this state on behalf of any person if the person represented has consented in writing to the appearance, the supervising lawyer has approved of the appearance in writing and the judge or administrative tribunal before whom the appearance is to be made and other counsel of record have been given notice of the appearance, in the following matters:

1. Any civil matter. In a civil matter, the supervising lawyer is not required to be personally present in court.

2. Any criminal matter in which the defendant does not have the right to the assignment of counsel under any constitutional provision, statute, or rule of this court. In those cases, the supervising lawyer is not required to be personally present in court.

3. Any criminal matter in which the defendant has the right to the assignment of counsel under any constitutional provision, statute, or rule of this court. In those cases, the supervising lawyer must be personally present throughout the proceedings.

B. An eligible law student may also appear in any criminal matter on behalf of the state with the written approval of the prosecuting attorney who must be personally present throughout the proceeding and is fully responsible for the manner in which they are conducted.

C. In each case, the written consent and approval referred to the above must be filed in the record of the case and be brought to the attention of the judge of the court or the presiding officer of the administrative tribunal.

III. ELIGIBILITY REQUIREMENTS

In order to make an appearance pursuant to this Rule, a law student must:

A. Be duly enrolled in the University of North Dakota School of Law - or any other law school approved by the American Bar Association.

B. Have completed legal studies amounting to at least four semesters, or the equivalent if the school is on other than a semester basis; or, if the student is currently enrolled in the Clinical

Education Program at the University of North Dakota School of Law, must have completed legal studies amounting to at least three semesters.

C. Be certified by the Dean of the University of North Dakota School of Law, or any other law school approved by the American Bar Association, and a member of the North Dakota Bar Association, as being of good character and competent legal ability, and as being adequately trained to perform as a legal intern.

D. Be introduced to the court in which the student is appearing by an attorney admitted to practice in that court.

E. Neither ask for nor receive any compensation or remuneration of any kind from the person on whose behalf services are rendered; but a lawyer, legal aid bureau, law school, public defender agency, or the state may pay compensation to an eligible law student.

IV. CERTIFICATION

The certification of a student:

A. Must be filed with the Clerk of this Court and, unless it is earlier withdrawn, remains in effect until the expiration of eighteen (18) months after it is filed, or until the date of the student's graduation, whichever is earlier.

B. May be withdrawn at any time by the Dean by mailing a notice to that effect to the Clerk of this Court. The notice need not state the cause for withdrawal.

C. May be terminated by this Court at any time without notice or hearing and without cause.

V. 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 the lawyer, including:

- 1.** Preparation of pleadings and other documents to be filed in any matter in which the student is eligible to appear, but those pleadings or documents must be signed by the supervising attorney.
- 2.** Preparation of briefs, abstracts and other documents to be filed in appellate courts of this state, but those documents must be signed by the supervising lawyer.
- 3.** Except when the assignment of counsel in the matter is required by any constitutional provision, statute, or rule of this Court, assistance to indigent inmates of correctional institutions or other persons who request assistance in preparing applications for and supporting documents for post-conviction relief. If there is an attorney of record in the matter, the assistance must be supervised by the attorney of record, and all documents submitted to the Court on behalf of the 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 the student 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.

VI. SUPERVISION

A member of the North Dakota Bar under whose supervision an eligible law student does any of the things permitted by this rule:

A. Must be a lawyer who is admitted to practice law in North Dakota and whose services as a supervising lawyer for this program is approved by the Dean of the law school in which the student is enrolled.

B. Shall assume personal professional responsibility for the student's guidance in any work undertaken and for supervising the quality of the student's work.

C. Assist the student in preparation to the extent the supervising lawyer considers it necessary.

VII. TEMPORARY PRACTICE OF LAW SCHOOL GRADUATES APPLYING FOR ADMISSION

A graduate of any American law school approved by the American Bar Association, who has made application for the first North Dakota bar examination scheduled to be given following his or her graduation, may perform, under the supervision of a member of the State Bar Association of North Dakota, all acts authorized to be performed by senior law students under this Rule, provided a supervising attorney has certified to the State Board of Law Examiners that the graduate is of good character and competent legal ability. The authorization terminates on the day of the first admission to the bar ceremony before the Supreme Court after the North Dakota bar examination for which application is made or 10 months following graduation from law school, whichever occurs first.

VIII. MISCELLANEOUS

This rule does not affect the right of any person who is not admitted to practice law to do anything lawfully permitted before the adoption of this Rule.

IX.

THIS RULE AS AMENDED NOVEMBER 12, 1986, SHALL BECOME EFFECTIVE JANUARY 1, 1987.

(Section III amended September 16, 1987.)(Section VII amended September 11, 1996, subject to comment; adopted on a final basis October 23, 1996. Supreme Court No. 960263)

X. TITLE AND CITATION

These rules are titled, "Rule on Limited Practice of Law by Law Students," and may be cited as "R. Ltd. Practice of Law by Law Students."

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.]

**RULES OF THE SUPREME COURT
OF THE STATE OF OKLAHOMA**

ON

LEGAL INTERNSHIP

5 O.S. Ch. 1, App. 6

(Including Amendments, Regulations and Rule Interpretations through July 10, 2012)

OKLAHOMA BAR ASSOCIATION

1901 NORTH LINCOLN BOULEVARD
PO BOX 53036
OKLAHOMA CITY, OKLAHOMA 73152

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RULES OF THE SUPREME COURT ON LEGAL INTERNSHIP

RULE 1 PURPOSE OF THE LEGAL INTERNSHIP RULES

Rule 1.1 Purpose

The purpose of these rules is to provide supervised practical training in trial advocacy and professional ethics to law students and to law graduates who have applied to take the first Oklahoma Bar Examination after graduation. The Legal Internship Program is not for the purpose of, nor to be used as, a vehicle to secure new or additional clients for the supervising attorney (see Interpretation 96-1).

RULE 2 ELIGIBILITY FOR A LIMITED LICENSE

Rule 2.1 Law Student Applicant

The law student applicant must meet the following requirements in order to be eligible for a limited license as a Licensed Legal Intern:

- (a) Have successfully completed half of the number of academic hours in a law school program leading to a Juris Doctor Degree required by the American Bar Association Accreditation Standards. Those hours must include the following courses: Professional Responsibility, Evidence and Civil Procedure I & II. A law student may apply when he or she is enrolled in courses which upon completion will satisfy this requirement (see Interpretations 98-2 and 2002-1). (Amended October 25, 2011)
- (b) Have a graduating grade point average at his or her law school.
- (c) Have approval of his or her law school dean.
- (d) Have registered and been accepted as a law student with the Board of Bar Examiners of the Oklahoma Bar Association. Provided, that students from outside Oklahoma who are attending law school in Oklahoma, are exempt from registering as a law student in Oklahoma upon a satisfactory showing of similar registration and approval in a state whose standards for admission are at least as high as those for Oklahoma. The determination of the equivalence of standards is to be made by the Legal Internship Committee (see Interpretation 98-3).
- (e) Be a regularly enrolled student at a law school located in the State of Oklahoma.

Rule 2.1A Academic Legal Intern License

A law student not otherwise eligible for licensure under Rule 2 and enrolled in a law school academic program that requires the utilization of an intern's license must meet the following requirements in order to be eligible for a limited license as an Academic Legal Intern (Adopted May 16, 2011):

(1) Requirements

- (a) Be a regularly enrolled student at an accredited law school located in the State of Oklahoma;
- (b) Have successfully completed one-third (1/3) of the number of academic hours in a law school program leading to a Juris Doctor Degree required by the American Bar Association Accreditation Standards;
- (c) Have a graduating grade point average at his or her law school;
- (d) Have approval of his or her law school dean or the dean's designate;

- (e) Have either completed or be concurrently enrolled in Professional Responsibility and Evidence Courses;
- (f) Successfully pass the examination required by Rule 5.2;
- (g) Be registered with the Oklahoma Board of Bar Examiners; and
- (h) Be enrolled in a law school course that will provide direct law school faculty supervision for the student's activities under the Academic Legal Intern License, including physical presence of a supervising faculty member at all court appearances.

(2) Limitations

All limitations and procedures which apply to the regular limited license shall apply to the academic limited license, except the Academic Legal Intern shall make no court appearance without a faculty supervisor present. The Academic Legal Intern's license may only be used in conjunction with enrollment in a program established pursuant to Rule 4.1(a).

(3) Expiration of Academic Legal Intern License

Once an Academic Legal Intern is no longer enrolled in a course described in Rule 2.1A(h), the student's Academic Legal Intern License must be placed on inactive status. If the student wants to use a limited legal intern license thereafter, that student shall have to meet all qualifications for a limited legal intern license under Rule 2.1 or Rule 2.2, including the submission of a current application and payment of an application fee, however, the student shall not have to retake the Legal Internship Examination.

Rule 2.2 Law Graduate Applicant

The law graduate applicant must meet all of the requirements to take the first Oklahoma Bar Examination after graduation from law school in order to be eligible to apply for a limited license (see Interpretations 97-3, 97-4 and 2012-1).

RULE 3 SUPERVISING ATTORNEYS

Rule 3.1 Eligibility

To be eligible to act as a supervising attorney for a Licensed Legal Intern an attorney must meet the following requirements:

- (a) Be an active member of the Oklahoma Bar Association.
- (b) Be actively engaged in the practice of law at least five (5) years. If the supervising attorney is a staff member of a recognized legal aid program, public defender program, district attorney office, municipal attorney office, the Attorney General of the State of Oklahoma, or office of any other government agency, that attorney must have been actively engaged in the practice of law for at least one (1) year. If the supervising attorney is part of an approved law school internship program, no minimum length of practice is required to become a supervising attorney.
- (c) Not have a formal complaint pending pursuant to Rule 6 of the Rules Governing Disciplinary Proceedings (5 O.S. Ch. 1, App. 1-A). If a proposed supervising attorney is denied for this reason, he or she may appeal to the Professional Responsibility Commission of the Oklahoma Bar Association.
- (d) Initially file an affidavit with the Executive Director of the Oklahoma Bar Association acknowledging the responsibilities of a supervising attorney and accepting the requirements of the Legal Internship Rules.

Rule 3.2 Approved List

The Executive Director of the Oklahoma Bar Association shall keep a list of all approved supervising attorneys.

Rule 3.3 Number of Supervising Attorneys

A Licensed Legal Intern may have only one supervising attorney at any one time.

Rule 3.4 Substitute Supervising Attorney

Another attorney may appear with a Licensed Legal Intern as a substitute supervising attorney if that attorney meets all requirements to become a supervising attorney except that he or she need not have filed the initial affidavit or be on the list of approved supervising attorneys. A substitute supervising attorney must:

- (a) Be a member of the same law firm as the supervising attorney, or
- (b) Be an attorney in another law firm or a sole practitioner in an office sharing arrangement with the supervising attorney and the supervising attorney must enter his or her appearance as co-counsel in each case where the Licensed Legal Intern uses the limited license (see Interpretation 2007-1).

Rule 3.5 Number of Licensed Legal Interns

No attorney shall have supervision over more than three (3) Licensed Legal Interns at any one time. This requirement shall not apply to any attorney who is a staff member of a recognized legal aid program, public defender program, district attorney office, municipal attorney office, attorney general's office, or an approved law school internship program, including law school clinical programs.

Rule 3.6 Change of Supervising Attorney

A Licensed Legal Intern may change his or her supervising attorney by filing with the Executive Director of the Oklahoma Bar Association a change of supervisor form as provided by the Legal Internship Committee and paying the appropriate fee required by Rule 10. The Licensed Legal Intern shall not use his or her limited license under the new supervising attorney until the Licensed Legal Intern receives notification from the Oklahoma Bar Association that the new supervising attorney is approved.

Rule 3.7 Responsibilities of Supervising Attorney

Approved supervising attorneys have the following responsibilities:

- (a) Provide every opportunity for the Licensed Legal Intern to participate or observe courtroom experience.
- (b) Supervise and counsel the Licensed Legal Intern on all legal matters assigned to the Licensed Legal Intern, to insure proper preparation and quality representation by the Licensed Legal Intern.
- (c) Advise the client of the status of the Licensed Legal Intern and the nature of the limited license prior to obtaining the written consent of the client to the Licensed Legal Intern's representation.
- (d) Assume personal professional responsibility for the legal work performed by the Licensed Legal Intern under his or her supervision.
- (e) Read and understand these Rules on Legal Internship and specifically discuss with the Licensed Legal Intern the limitations placed on the limited license by these rules.
- (f) Provide practical training in trial advocacy and professional ethics to the Licensed Legal Intern.

- (g) Cooperate with the Licensed Legal Intern's law school on any reporting or evaluation requirements of the approved internship practice program.
- (h) Agree to assist in the administration of the Legal Internship Rules by serving as a reviewing panelist or other capacity as may be requested on the Legal Internship Committee.

Rule 3.8 Termination of Supervising Attorney Approval

- (a) The Legal Internship Committee shall terminate its approval of any supervising attorney when:
 - (1) The requirements as to eligibility are not being met by the attorney, or
 - (2) Good cause is shown which includes, but is not limited to, failure to require the Licensed Legal Intern to meet the monthly in-court practice requirement.
- (b) Before the approval of a supervising attorney may be terminated, the supervising attorney shall be provided notice and the opportunity for a hearing before the Legal Internship Committee where the attorney shall be required to show cause why approval should not be terminated. The decision of the Legal Internship Committee shall be final with no right to appeal.

RULE 4 LAW SCHOOL INTERNSHIP PROGRAMS

Rule 4.1 Approved Law School Internship Programs

A law school may create an internship training program as part of its regular curriculum which uses Licensed Legal Interns licensed by the Supreme Court of the State of Oklahoma. These programs may be of two types:

- (a) A program directly supervised by the faculty of the law school, which may also use Academic Legal Interns. (Amended May 16, 2011)
- (b) A program directly supervised by practicing attorneys with indirect supervision through the faculty of the law school.

Rule 4.2 Minimum Criteria for Law School Programs

Each law school shall be responsible for the creation of its own criteria for the establishment of a Legal Internship Program. Each law school may impose requirements more stringent than these rules; however the program must meet the following minimum criteria:

- (a) All Legal Internship Programs shall be directed toward assuring the maximum participation in court by the Licensed Legal Intern.
- (b) The law school shall create a reporting system where the Licensed Legal Intern reports activities at least on a monthly basis. The reports shall be signed by the Licensed Legal Intern and the supervising attorney on the forms established by the law school. The report shall include a statement by the supervising attorney that the Licensed Legal Intern completed the number of in-court practice hours reported.
- (c) The law school shall require the termination of the Licensed Legal Intern in the program or his transfer to another supervising attorney if the in-court practice requirement is not maintained or the requirements of the law school Legal Internship Program are not satisfactorily met.

Rule 4.3 Approval of Law School Programs

The Legal Internship Committee shall review the law school's Legal Internship Program to determine if it meets these requirements and notify the law school of any deficiencies.

RULE 5 PROCEDURE TO OBTAIN LIMITED LICENSE

Rule 5.1 Documentation

A law student or a law graduate may obtain a limited license to practice law as a Licensed Legal Intern in the State of Oklahoma in the following manner:

(a) Application Form

- (1) File an application form that is provided by the Executive Director of the Oklahoma Bar Association.

(b) Law School Certificate

- (1) A law student applicant shall have his or her school furnish to the Executive Director of the Oklahoma Bar Association a certification that the student has completed sufficient academic hours to comply with the eligibility requirements and that the student does have a graduating grade point average. The law school shall also provide a letter from the dean stating that in the opinion of the dean the student is aware of the professional responsibility obligations connected with the limited license and that in the dean's opinion the applicant is capable of properly handling the obligations which will be placed upon the student through the use of the limited license.
- (2) A law graduate applicant shall request his or her law school to furnish to the Executive Director of the Oklahoma Bar Association a certificate that the student has graduated from law school and attach the certificate to the application.

(c) Supervising Attorney Form

- (1) The law student applicant and the law graduate applicant must attach to their application the supervising attorney form signed by an approved supervising attorney certifying that the supervising attorney:
 - (a) Will employ applicant under his or her direct supervision;
 - (b) Recommends the applicant for a limited license;
 - (c) Has read and understands the Legal Internship Rules; and
 - (d) Agrees to provide the opportunity for the applicant to obtain the required number of monthly in-court practice hours.
- (2) The law student applicant may take the Legal Internship Examination without filing the Supervising Attorney Form but may not be sworn in as a Licensed Legal Intern until the Supervising Attorney Form is filed and approved.

(d) Enrollment Form

- (1) The law student applicant shall provide proof that he or she is enrolled in an approved law school internship program prior to being sworn in as a Licensed Legal Intern.

(e) Application Fee

- (1) Pay a onetime application fee as provided in Rule 10.

Rule 5.2 Legal Internship Examination

Applicants for a limited license shall prove they are knowledgeable of the Legal Internship Rules and Professional Responsibility Rules in the following manner:

(a) Law Student Applicant

- (1) If a written examination is given it will be an examination prepared by the Legal Internship Committee and/or the Multi-State Professional Responsibility Examination.
- (2) If an oral examination is given, the law student applicant must be approved by a three member panel of supervising attorneys or other attorneys who are appointed by the Legal Internship Committee to review law student applications. Two of the members of the panel may perform any act for the panel.

(b) Law Graduate Applicant

The law graduate application must be reviewed and approved by a panel of attorneys appointed by and serving at the pleasure of the Oklahoma Supreme Court. The Supreme Court Reviewing Panel shall advise the Executive Director of the Oklahoma Bar Association of the results of the review on all law graduate applicants (see Interpretation 97-3, 97-4 and 2012-1).

(c) Date of Examination

The Executive Director of the Oklahoma Bar Association, after consultation with each of the law schools in the State of Oklahoma and the Supreme Court Reviewing Panel, shall set the dates for the Legal Internship Examinations and advise the applicant, the Legal Internship Committee, the law schools, and the reviewing panel members of the date and place for the written or oral examinations.

Rule 5.3 Duties of the Oklahoma Bar Association

The Oklahoma Bar Association through the Executive Director shall:

- (a) Review all application forms for a limited license to practice law as a Licensed Legal Intern in the State of Oklahoma to determine if the applicant is eligible for a limited license under these rules and advise the applicant if any deficiencies exist.
- (b) Review all applications from attorneys to become supervising attorneys to determine if all requirements have been met for an attorney to become a supervising attorney and advise the supervising attorney if any deficiencies exist.
- (c) Forward to the Chief Justice of the Supreme Court of Oklahoma the names of all applicants who have met the requirements of these rules in order to be granted a limited license to practice law in the State of Oklahoma. If it is determined that an applicant has not met all requirements under these rules an appeal may be taken to the Legal Internship Committee. The decision of the Legal Internship Committee is final and the applicant does not have a further right to appeal.

Rule 5.4 Decision by the Oklahoma Supreme Court

The Oklahoma Supreme Court shall grant or deny the application for a limited license. Its decision shall be forwarded to the Executive Director of the Oklahoma Bar Association who shall inform the applicant of the court's decision.

Rule 5.5 Licensed Legal Intern Oath of Office

The applicant will be informed by the Executive Director of the Oklahoma Bar Association as to when he or she may appear before the Supreme Court, a Justice of the Supreme Court, the Court of Criminal Appeals or the judge thereof, or one of the Courts of Appeal or a judge thereof to take the oath of office. A special oath of office shall be prepared by the Oklahoma Supreme Court and administered to all successful applicants prior to the granting of the limited license.

Rule 5.6 Licensed Legal Intern Title

The applicant who is granted a limited license by the Oklahoma Supreme Court shall be known as a Licensed Legal Intern.

RULE 6 TERM OF LIMITED LICENSE

Rule 6.1 Termination of the Limited License

The limited license shall terminate automatically when:

- (a) A Licensed Legal Intern's cumulative grade point average falls below a graduating grade point average for his or her particular law school.
- (b) A Licensed Legal Intern no longer is working for an approved supervising attorney.
- (c) A Licensed Legal Intern has passed the first bar examination given after the Licensed Legal Intern graduated from law school and is administered the oath by the Oklahoma Supreme Court admitting the Licensed Legal Intern as a practicing attorney.
- (d) A Licensed Legal Intern has not finished requirements for graduation from law school within twenty-four months following being sworn in as a Licensed Legal Intern. Upon application and good cause being shown the Legal Internship Committee or the Supreme Court Reviewing Panel may extend the term of the limited license for a period not to exceed one year.
- (e) For any reason a Licensed Legal Intern is no longer enrolled in an approved law school internship program without having completed the requirements for graduation. A Licensed Legal Intern need not be enrolled in such a course for summer sessions or vacation periods.
- (f) The Licensed Legal Intern does not pass or fails to take the Oklahoma Bar Examination immediately subsequent to the Licensed Legal Intern's graduation from law school (see Interpretations 96-1, 97-3, 97-4, 98-5 and 2000-1).
 - (1) However the Licensed Legal Intern may petition for reinstatement after failing the Bar Examination the first time by showing good cause and filing an appropriate law graduate application with the Executive Director of the Oklahoma Bar Association. Reinstatement petitions shall be heard by the Supreme Court Reviewing Panel.
- (g) The Licensed Legal Intern otherwise fails to be administered the oath by the Supreme Court and admitted to practice immediately subsequent to the Licensed Legal Intern's graduation from law school.

Rule 6.2 Inactive Status of the Limited License

A Licensed Legal Intern can avoid termination of the limited license under Rule 6.1(b) or (e) and therefore inactivate his or her limited license by notifying the Executive Director of the Oklahoma Bar Association in writing of the inactive status of his or her limited license. The limited license can then be reactivated in a future semester or upon graduation by the Licensed Legal Intern notifying the Executive Director of the

Oklahoma Bar Association of his or her intention to reactivate the limited license and filing a new Supervising Attorney Form (see Interpretations 98-4 and 98-5).

Rule 6.3 Revocation of the Limited License

For good cause the Legal Internship Committee may revoke the limited license of any Licensed Legal Intern after notice is given and a hearing afforded. An order of revocation must be filed with the Executive Director of the Oklahoma Bar Association and a copy sent to the Chief Justice of the Supreme Court but will not be filed in the Supreme Court. Upon revocation of the limited license the Licensed Legal Intern shall surrender his or her license to the Executive Director of the Oklahoma Bar Association.

RULE 7 PRACTICE UNDER THE LIMITED LICENSE

Rule 7.1 Applicable to Courts of Record, Municipal Courts and Administrative Agencies

Subject to the limitations in these Legal Internship Rules, the limited license allows the Licensed Legal Intern to appear and participate in the State of Oklahoma before any Court of Record, municipal court, or administrative agency. The Licensed Legal Intern shall be subject to all rules applicable to attorneys who appear before the particular court or agency.

Rule 7.2 In-Court Practice Requirement

The Licensed Legal Intern who is working for a practicing attorney, district attorney, municipal attorney, attorney general, or state governmental agency shall have at least eight (8) hours per month of in-court experience. Such experience may be obtained by actual in-court participation by the Licensed Legal Intern or by actually observing the supervising attorney or other qualified substitute supervising attorney in courtroom practice.

Rule 7.3 Supervision of Approved Supervising Attorney

All actions of the Licensed Legal Intern shall be under the direction and supervision of an approved supervising attorney, and the Licensed Legal Intern shall not assume the responsibility of representation without reviewing the procedures and consequences of each particular case with his or her supervising attorney.

Rule 7.4 Licensed Legal Intern Signature and Identification of Status

A Licensed Legal Intern shall not sign any pleading, motion or brief which is to be filed unless the document is co-signed by the Licensed Legal Intern's supervising attorney. A Licensed Legal Intern shall not represent himself or herself as an attorney but shall be identified as a Licensed Legal Intern in all written or oral communications (see Interpretation 2010-1).

Rule 7.5 Criminal Representation Limitations

Representation by the Licensed Legal Intern in criminal cases is limited in the following manner:

- (a) If the Licensed Legal Intern is employed by a prosecutor, the supervising attorney must be present in court:
 - (1) At a jury trial in either a felony or misdemeanor case.
 - (2) At the non-jury trial of a felony case.

In all other situations the supervising attorney need not be present in court (see Interpretation 2010-1).

- (b) If the Licensed Legal Intern is employed by a defense attorney in a criminal case, the supervising attorney must be present in district court or in municipal court:
 - (1) At all stages of a felony case.
 - (2) At a jury trial of either a felony or misdemeanor case.
 - (3) At all stages of a misdemeanor case when a second conviction for the same crime constitutes a felony under Oklahoma law.

In all other situations the supervising attorney need not be present in district court or municipal court (see Interpretation 2010-1).

Rule 7.6 Civil Representation Limitations

Representation by the Licensed Legal Intern in civil cases is limited in the following manner:

- (a) In civil matters where the controversy does not exceed the jurisdictional limit specified in Title 20 Oklahoma Statutes, Section 123(A)(1), exclusive of costs and attorneys fees, a Licensed Legal Intern may appear at all stages without a supervising attorney being present (see Interpretations 97-1, 97-2 and 2010-1).
- (b) In civil matters where the controversy exceeds the jurisdictional limit specified in Title 20 Oklahoma Statutes, Section 123(A)(1), a Licensed Legal Intern may appear without a supervising attorney being present only in the following situations:
 - (1) Waiver, default, or uncontested divorces.
 - (2) Friendly suits including settlements of tort claims.
 - (3) To make an announcement on behalf of a supervising attorney.
 - (4) Civil motion dockets, provided that a Licensed Legal Intern may prosecute but not defend motions and/or pleadings that may or could be the ultimate or final disposition of the cause of action.
 - (5) Prosecute or defend contested motions to modify child support orders or decrees except when a change of custody of minor child is involved (see Interpretation 89-1).
 - (6) Depositions.
 - (7) Uncontested probate proceedings, provided that the supervising attorney has reviewed and signed the proposed pleading that will be presented to the Judge for approval.
- (c) In all other civil legal matters, including but not limited to contested probate, contested divorces and adoption proceedings, and ex-parte matters, such as temporary orders in divorce cases, restraining orders, temporary injunctions, etc., the Licensed Legal Intern shall only appear when accompanied by and under the supervision of an approved supervising attorney (see Interpretations 91-2, 96-2, 97-1 and 2010-1).

Rule 7.7 Juvenile Delinquent and Deprived Proceedings Representation

Representation by the Licensed Legal Intern in juvenile cases is limited in the following manner (see Interpretation 2010-1):

The supervising attorney must be present in court:

- (1) During bench and jury trials.
- (2) During Prospective Merit and Probable Cause hearings.
- (3) During Show Cause appeals.
- (4) During Review hearings.
- (5) During Show Cause hearings when the Licensed Legal Intern is representing the parent or child.

The supervising attorney need not be present in court:

- (1) During the presentation of a plea agreement, if the attorney has signed the agreement.
- (2) During Bond and/or Detention hearings.
- (3) During Arraignment hearings.
- (4) During Show Cause hearings, when the Licensed Legal Intern is representing the State.

Rule 7.8 Appellate Representation Limitations

In all appellate matters, criminal or civil, the Licensed Legal Intern shall appear before the court only when accompanied by, and under the supervision of, an approved supervising attorney.

RULE 8 PERMISSION OF CLIENT

Rule 8.1 Permission of Client

Before a Licensed Legal Intern may act on behalf of any client, permission of that client shall be obtained by the supervising attorney (see Interpretation 91-3). That permission shall be shown to the court in the following manner:

- (a) In a criminal prosecution where confinement is a possible punishment, the trial court shall interrogate the defendant in open court, prior to the trial in order to determine whether the defendant knows the status of a Licensed Legal Intern, that the Licensed Legal Intern is not a fully accredited lawyer, and that the defendant knowingly and intelligently understands the nature of his right to an attorney. The defendant knowing this information must consent to have the Licensed Legal Intern represent him. A record shall be made of the questions asked and the answers given. The supervising attorney shall prepare and cause to be filed in the case an authorization, signed by the supervising attorney and the defendant authorizing the Licensed Legal Intern to represent the defendant in the case. The authorization shall substantially conform to the example set forth in Exhibit "A".
- (b) In a civil case, the supervising attorney shall prepare and have the client sign an authorization which recites that the supervising attorney has explained the status of the Licensed Legal Intern to the client and that the client consents to representation by the Licensed Legal Intern. The authorization shall substantially conform to the example set forth in Exhibit "A". The original of this authorization shall be filed in the trial court's file when a Licensed Legal Intern first makes an appearance in the proceeding and a copy shall be mailed to all parties in the case. When the supervising attorney-client relationship is a continuing one, one omnibus authorization shall be sufficient and copies of the original may be filed in later cases as appropriate (see Interpretation 91-1).

RULE 9 COMPENSATION OF THE LICENSED LEGAL INTERN

Rule 9.1 Compensation of the Licensed Legal Intern

No Licensed Legal Intern may charge a client for services. However the supervising attorney may charge fees for the services rendered by the Licensed Legal Intern. The supervising attorney is entitled to be awarded attorneys fees for the services rendered by the Licensed Legal Intern in those cases where the awarding of attorneys fees is provided by law. Nothing herein shall prevent the supervising attorney or agency from compensating the Licensed Legal Intern for work done. However, Licensed Legal Interns shall be considered non-lawyers for the purpose of any Disciplinary Rule governing the division of legal fees.

RULE 10 FEES

Rule 10.1 Fees

The following fees shall be paid to the Oklahoma Bar Association:

- (a) Application Fee - A non-refundable fee of \$50.00 per application.
- (b) Application for Reinstatement Fee - A non-refundable fee of \$50.00 per application.
- (c) Change of Supervisor Fee - A non-refundable fee of \$10.00 per application.

RULE 11 LEGAL INTERNSHIP COMMITTEE

Rule 11.1 Creation

In order to assist the Oklahoma Bar Association and the Oklahoma Supreme Court in administering these rules, there is created the Legal Internship Committee as a permanent committee of the Oklahoma Bar Association. At least one representative from the faculty of each law school in Oklahoma shall be appointed a member on the Legal Internship Committee.

Rule 11.2 Responsibilities of the Legal Internship Committee

The Legal Internship Committee has the following responsibilities:

- (a) Furnish copies of these rules to law student and law graduate applicants for a limited license.
- (b) Furnish copies of these rules to supervising attorneys.
- (c) Supervise the administration of these rules and make suggestions to the Oklahoma Bar Association and the Oklahoma Supreme Court for improvement, amendment, and revision of these rules.
- (d) Develop and approve any forms required by these Rules with the cooperation of the Oklahoma Bar Association.
- (e) Promulgate such regulation as may become necessary in order to effectuate the intentions of these rules.

REGULATIONS OF THE OKLAHOMA BAR ASSOCIATION LEGAL INTERNSHIP COMMITTEE

Pursuant to Rule 11.2(e) of the Rules of the Supreme Court on Legal Internship, the OBA Legal Internship Committee has adopted the following Regulations through March 26, 2009:

REGULATION 1 INTERPRETATION AND REVISION OF LEGAL INTERNSHIP RULES

- (A) Any person having a question regarding the Legal Internship Rules, Regulations, or Rule Interpretations shall direct the question to the Legal Intern Coordinator at the Oklahoma Bar Association or the Chair of the OBA Legal Internship Committee. The Legal Intern Coordinator, in consultation with the Chair if necessary, may informally respond to all questions, unless they are covered by paragraph B of this Regulation. The inquiry and/or response may be oral unless any participant in the inquiry requests that it be in writing.
- (B) If the Legal Intern Coordinator or Chair believes at any stage that the inquiry raises an issue not covered by existing Rules, Regulations or Rule interpretations, or raises an ambiguity in the existing Rules, Regulations or Rule Interpretations, or if the person making the inquiry is not satisfied with the informal response and requests in writing that the question be considered further, the question shall be placed on the agenda of the next meeting of the Legal Internship Committee for consideration. The Committee may affirm the response of the Legal Intern Coordinator, direct the Legal Intern Coordinator to make a different response, issue a formal Rule Interpretation, revise the Regulations, or recommend amending the Rules.
- (C) If the Committee issues a formal Rule Interpretation or revises a Regulation, a copy of the Rule Interpretation or revised Regulation shall be provided to each law school, the person making the inquiry, and all current Licensed Legal Interns and supervising attorneys. It shall also be published in one issue of the Oklahoma Bar Journal and on the OBA website. Formal Rule Interpretations and revised Regulations shall control unless changed by the Oklahoma Bar Association Board of Governors or the Oklahoma Supreme Court. An annual summary of formal Rule Interpretations and revised Regulations shall be transmitted to the OBA Board of Governors no later than August 1 of each year, including all formal Rule Interpretations and revised Regulations from July 1 of the previous year to June 30 of the current year. After review by the Board of Governors, the report shall be transmitted to the Oklahoma Supreme Court by September 1 of that year.
- (D) If the Committee recommends a revision to the Rules, the proposed revision shall be submitted in writing to the next meeting of the OBA Board of Governors for consideration. Upon approval of the Board of Governors, the proposed revision to the Rules shall be sent to the Supreme Court of Oklahoma for consideration. Proposed revisions to the Rules are not effective until adopted by Order of the Supreme Court of Oklahoma. After approval by the Supreme Court, the revised Rule shall be provided to all participants in the Legal Internship Program and published in the Oklahoma Bar Journal.

REGULATION 2 DEFINITION OF "IN COURT" PRACTICE EXPERIENCE

- (A) Licensed Legal Interns subject to Rule 7.2 who are enrolled in an approved law school internship program may accumulate "in court" practice experience throughout a law school semester as long as the total "in court" practice experience hours required during a semester is equivalent to at least eight (8) hours per month considering the number of months in a semester.
- (B) A Licensed Legal Intern who is not enrolled in an approved law school internship program due to graduation or other vacation period shall obtain at least eight (8) hours each month of "in court" practice experience without accumulation from month to month.
- (C) The definition of "in court" practice experience includes:
 - 1. Actual participation by the Licensed Legal Intern in a courtroom proceeding in Oklahoma. However,

it must be remembered that under the Legal Internship Rules, the Licensed Legal Intern is not authorized to actually participate in Federal Court proceedings unless an individual judge grants permission or a Rule of the Federal Court permits such practice.

2. Actually observing the Licensed Legal Intern's supervising attorney or other qualified substitute supervising attorney in a courtroom proceeding. The Licensed Legal Intern may observe courtroom proceedings handled by his or her supervising attorney in Federal Court and courts in other states.
3. Actual observation of an attorney other than the supervising attorney or a qualified substitute supervising attorney only if:
 - (a) the attorney being observed meets the qualifications of Rule 3.1(a)(b) & (c); and
 - (b) the supervising attorney or a qualified substitute supervising attorney is present.

This observation may be in Federal Court and the courts of other states.

4. Participation by the Licensed Legal Intern or observation of the Licensed Legal Intern's supervising attorney or other qualified substitute supervising attorney shall satisfy the "in court" practice experience requirement under the following circumstances even though the proceeding does not necessarily occur in a courtroom:
 - (a) Judges chambers proceedings - only with the judge and opposing counsel present. For example, a pre-trial conference or settlement conference before a judge. Time spent in the hall negotiating with opposing counsel concerning the matters to be raised at the pre-trial conference or settlement conference would not be considered "in court" practice experience.
 - (b) Ex parte proceedings - only for the amount of time the Licensed Legal Intern's case is before the Judge and only in conformance with Rule 7.6(b)(4). For example, obtaining a signature approving a motion to enter or authorizing publication notice or a temporary restraining order generally would only provide brief opportunities to accumulate "in court" practice experience.
 - (c) Taking or defending depositions - a maximum of nine (9) deposition hours may accumulate and be counted during a fall or spring semester and a maximum of four and one-half (4.5) deposition hours may accumulate during a summer semester and be counted.
 - (d) Motion, arraignment or other sounding dockets - only when the Licensed Legal Intern's case is being argued before the court.
 - (e) Administrative hearing body - only when the hearing officer or a member of the hearing panel is an attorney and the proceeding is adjudicative in nature. For example, administrative hearings that would provide "in court" practice experience include those hearings before: Corporation Commission, Oklahoma Tax Commission, Department of Public Safety, Social Security Administration, and Employment Security Commission. On the other hand administrative hearings that would not provide "in court" practice experience include those hearings before: City Council and City Planning Commissions.
 - (f) Asset hearings - including all time the Licensed Legal Intern spent questioning a witness whether or not the judge remains present for the entire hearing.
 - (g) Tribal Court proceedings.
 - (h) Up to two (2) hours per month of drafting pleadings and motions that are subsequently filed in substantially the form prepared by the Licensed Legal Intern.

- (i) Settlement conferences, mediations, and arbitrations conducted by attorney mediators/arbitrators/settlement judges are considered “in court” practice experience (see Interpretation 90-1).
 - (j) 341 Hearings of Creditors in U.S. Bankruptcy Courts are considered “in court” practice experience (see Interpretation 98-1).
5. Unless Regulation 2(c)(3) applies, observation of an attorney who is not the Licensed Legal Intern’s supervising attorney or other qualified substitute supervising attorney shall not satisfy the “in court” practice experience requirement.

REGULATION 3 WRITTEN LEGAL INTERNSHIP EXAMINATION

(A) Security Requirements

1. Purpose

The purpose of this Security Regulation is to create a protocol for the physical handling of the Legal Internship Examination in order to protect and preserve its integrity.

2. Examination Security

The Legal Internship Examination and all related confidential electronic files must be stored behind password protection by the Legal Intern Coordinator at the Oklahoma Bar Association and at each of the Colleges of Law.

3. Examination Preparation

(a) The designated person at each College of Law shall print the exams, answer sheets, and cover sheets no earlier than 24 hours prior to each scheduled examination cycle.

(b) The printed examination packets shall be secured under lock and key until the time the examination is administered.

4. Examination Security Follow-up

(a) All unused examinations shall be destroyed immediately following administration of the examination.

(b) All scored examinations shall be placed in a confidential file or files designated by the College of Law and shall be kept under lock and key until such time as they are destroyed pursuant to the College of Law’s procedure.

(c) Examinations shall not be reviewed by students.

(B) Uniformity of Examination Dates

1. The Legal Internship Examination shall be administered in five (5) scheduled examination cycles annually by each of the Colleges of Law as follows:

(a) In January, on a Thursday or Friday no later than the end of the second week in which classes are held at the particular College of Law;

(b) In April, on the fifth Thursday or Friday after the March Multi-State Professional Responsibility Examination is given;

- (c) Either one (1) week before the start of the College of Law's summer term or at the end of the first week in which classes are held in the College of Law's summer term;
- (d) No later than the end of the second full week in which classes are held in the fall term at the particular College of Law; and
- (e) In November, on a Thursday or Friday, no later than the end of the first full week of November.
(Approved September 23, 2002)

- 2. Each College of Law shall notify the Executive Director of the dates set for the Legal Internship Examination at the particular College of Law, consistent with Regulation 3(A)(1). The notice required by this section shall be given as soon as the dates are set and as soon as any change is made to a previously-notified date, but no less frequently than annually. The Executive Director shall periodically cause a compilation of the examination dates for all the Colleges of Law to be sent to each College of Law, the Supreme Court Reviewing Panel, and the Legal Internship Committee.
(Approved September 23, 2002)

(a) Weather Emergency Policy

If there is a weather emergency on any examination date, as determined by the affected College of Law, a substitute examination date shall be set as soon as practicable. The substitute examination date shall be set by the affected College of Law. The affected College of Law shall immediately notify the Legal Intern Coordinator about the change in the examination date. If the weather emergency substitute examination date is outside the dates set forth in Regulation 3(B)(1), the Executive Director or the Legal Intern Coordinator, if authorized by the Executive Director, must approve the substitute examination date.

(C) Examination Administration Policies

- 1. The Colleges of Law shall administer only one (1) examination during each scheduled examination cycle.
- 2. A student shall take only one (1) examination during each scheduled examination cycle.
- 3. A student shall take the Legal Internship Examination administered at the College of Law in which the student is enrolled, except as allowed in Section (E) below.
- 4. Nothing in this section shall prohibit a student that fails the examination in one examination cycle from taking the examination again in the next scheduled examination cycle.

(D) Examination Scoring Policies

- 1. The Legal Internship Examination shall contain two one (1) hour sections.
 - (a) Section A shall consist of fifty (50) questions from the Rules of the Supreme Court of the State of Oklahoma on Legal Internship.
 - (b) Section B shall consist of fifty (50) questions from the Oklahoma Rules of Professional Conduct.
- 2. The minimum passing score shall be 70% on each section.
 - (a) All students must take Section A.
 - (b) A student that has been successfully tested over the Rules of Professional Conduct by achieving the minimum passing score for the State of Oklahoma on the Multistate Professional

Responsibility Examination (MPRE) shall be exempt from taking Section B of the examination.

(c) A student that has not achieved the minimum passing MPRE score for the State of Oklahoma shall take Section B.

3. A student that passes only one section of the examination may retain the passing score and retake the failed section during the next scheduled exam cycle.

(a) A passing score shall only carry over to the next scheduled examination cycle.

(b) If a student does not take or pass the previously failed section during the next scheduled examination cycle, the student must retake both sections of the examination.

4. If a student passes Section A, fails Section B, but achieves the minimum passing MPRE score for the State of Oklahoma prior to the next scheduled examination cycle, the passing MPRE score shall substitute for a passing score on Section B.

(E) Accommodations for Testing Locations

1. For good cause shown, a student may request permission to take the Legal Internship Examination at any of the Colleges of Law.

(a) A student wishing this accommodation must submit the request to the College of Law in which the student is enrolled.

(b) If the request is approved, the student's College of Law shall make the appropriate arrangements with the requested College of Law.

(F) Accommodations for Special Needs Students

1. Insofar as procedures for the administration of the Legal Internship Examination for special needs students are concerned, the Colleges of Law shall apply the same policy of accommodation to special needs students that apply in administering their law school examinations. (Adopted June 1, 2008; Amended June 26, 2008)

REGULATION 4 FALSE REPRESENTATIONS AS TO BEING A SUPERVISING ATTORNEY OR AS TO BEING A LICENSED LEGAL INTERN

Whenever the Legal Internship Committee is informed that an attorney has allegedly represented him/herself as a supervising attorney and/or represented that a law student in his/her employ is a Licensed Legal Intern, when according to the records of the Oklahoma Bar Association such attorney is not an approved supervising attorney or such student is not an active Licensed Legal Intern, that information shall be forwarded by the Chair of the Legal Internship Committee to the General Counsel of the Oklahoma Bar Association without comment or further investigation by the Legal Internship Committee.

REGULATION 5 APPLICATION DEADLINES FOR LAW GRADUATE APPLICATIONS IMMEDIATELY AFTER GRADUATION AND IMMEDIATELY FOLLOWING FAILURE OF THE FIRST OKLAHOMA BAR EXAMINATION

Application Deadlines – Generally. All application deadlines means **RECEIPT** of application in the office of the Legal Intern Coordinator of the Oklahoma Bar Association, 1901 North Lincoln Boulevard, PO Box 53036, Oklahoma City, Oklahoma 73152. **NOT** a postmark deadline. If a deadline falls on a non-business day (i.e. Saturday, Sunday or legal holiday), applications will be accepted until the close of business, 5:00 p.m., on the first business day immediately following the deadline.

Application Fees – Generally. All application fees are non-refundable.

(A) Law Graduate Application for a Limited License to Practice Law in the State of Oklahoma (Form 4)

1. Application deadline for May graduates is the fourth Friday in June immediately following said applicant's graduation.
2. Application deadline for August graduates is the fourth Friday in the following January.
3. Application deadline for December graduates is the fourth Friday in January immediately following said applicant's graduation.

(B) Law Graduate Application for Reinstatement of a Limited License to Practice Law in the State of Oklahoma Following Failure of the First Oklahoma Bar Examination (Form 5)

1. Application deadline for graduates taking the February Oklahoma Bar Examination is the fourth Friday in January.
2. Application deadline for graduates taking the July Oklahoma Bar Examination is the fourth Friday in June.
3. Graduates failing their first Oklahoma Bar Examination are eligible to apply for reinstatement of the limited license to practice law only for the period immediately following notification of such failure to pass the first Oklahoma Bar Examination and must show evidence of being registered with the Board of Bar Examiners to take the next available Oklahoma Bar Examination.

REGULATION 6 NOTICE OF INACTIVE STATUS

To utilize the "inactive status" provided for in Rule 6.2 a Licensed Legal Intern must give the required notice to inactivate his or her limited license before the limited license is automatically terminated under Rule 6.1(b) or (e).

SUMMARY OF LEGAL INTERNSHIP RULE INTERPRETATIONS

The following is a summary list of Legal Internship Interpretations that have been adopted by the Legal Internship Committee pursuant to Regulations. A complete copy of each rule interpretation is available at the Oklahoma Bar Association.

- 89-1 Under Rule 7.6(b)(4), it is permissible for a Licensed Legal Intern to handle, without a supervising attorney present, the prosecution of a Motion to Confirm Sheriff's Sale. (Adopted November 16, 1989; Amended April 17, 2008)
- 90-1 "In court" practice experience includes out of court arbitration only when the arbitrator is an attorney and the decision is binding on all parties. Court sponsored arbitration is within the definition of "in court" time. (Adopted November 15, 1990)
- 91-1 Under Rule 8.1(b), a Licensed Legal Intern employed by the State of Oklahoma and representing an agency of the State of Oklahoma is required to file an appropriate affidavit indicating permission of the state agency being represented. The Licensed Legal Intern should obtain authorization to represent the state agency from the director or someone with authority within the state agency and his or her supervising attorney. (Adopted August, 1991)
- 91-2 Under Rule 7.6(c), a Licensed Legal Intern handling a jury trial in an involuntary commitment/mental health hearing must appear only with a supervising attorney present. (Adopted November 8, 1991)
- 91-3 Under Rule 8.1, a Licensed Legal Intern may act on behalf of a client only after permission of the client has been obtained by the supervising attorney. Since Rule 8.1 allows for no exception, consent is required even if a supervising attorney determines that no substantive representation is involved in a court appearance. (Adopted November 8, 1991)
- 96-1 Rule 6.1, in conjunction with Rule 1.1, means that if a Licensed Legal Intern is not admitted to the Oklahoma Bar following the Oklahoma Bar Examination immediately subsequent to the Licensed Legal Intern's graduation from law school, that Licensed Legal Intern's limited license automatically terminates pursuant to Rule 6.1. (Adopted March 29, 1996)
- 96-2 Rule 7.6(c) requires that a Licensed Legal Intern be accompanied by his/her supervising attorney when appearing in guardianship and change of name proceedings, whether contested or uncontested.
- 97-1 For purposes of Rule 7.6, mediations and arbitrations are "stages" of a civil matter. Therefore, if the amount in controversy exceeds the jurisdictional limit specified in O.S. Title 20 § 123(A)(1), a Licensed Legal Intern may appear at a mediation or arbitration only with a supervising attorney present. (Adopted June 18, 1997; Amended April 17, 2008)
- 97-2 Under Rule 7.6(a), where a garnishment action is instituted within the jurisdictional limits of O.S. Title 20 § 123(A)(1), the Licensed Legal Intern may appear at a hearing on a Claim for Exemption from Garnishment without a supervising attorney present. (Adopted June 18, 1997; Amended May 15, 2008)
- 97-3 Rule 2.2, in conjunction with Rule 5.2(b) and Rule 6.1(f), means a law graduate is only eligible to apply for a Licensed Legal Intern license between graduation from law school and the first Bar Exam after graduation from law school. (Adopted June 18, 1997)
- 97-4 Under Rule 2.2, in conjunction with Rule 5.2(b) and Rule 6.1(f), attorneys licensed to practice in other states are not eligible to apply for a Licensed Legal Intern license as a Law Graduate applicant. (Adopted June 18, 1997)

- 98-1 Appearance at or observing the supervising attorney or a qualified substitute supervising attorney at a 341 Meeting of Creditors in U.S. Bankruptcy Court is considered “in court” practice experience. (Adopted February 9, 1998)
- 98-2 A student who has completed the four (4) hour first year course in Civil Procedure offered by the University of Oklahoma College of Law satisfies the requirement of Rule 2.1(a) for Civil Procedure I and II, because the Civil Procedure course covers the same subject matter areas as formerly presented in Civil Procedures I and II. (Adopted November 11, 1998)
- 98-3 Under Rule 2.1, a law student regularly attending an accredited law school outside Oklahoma, in a state which does not meet the “reciprocity” requirements of Rule 2.1(d), may obtain a Licensed Legal Intern license for the summer if the student meets all the requirements of Rule 2.1 (including having registered and been accepted as a law student with the Board of Bar Examiners of the Oklahoma Bar Association), is enrolled in one or more summer courses at either OU, OCU, or TU, and meets the school’s requirements for participation in the Legal Internship Program. (Adopted December 18, 1998)
- 98-4 Under Rule 6.2, a Licensed Legal Intern who obtains a Temporary Permit by action of the Board of Bar Examiners can avoid termination of the Licensed Legal Intern license by notifying the Executive Director of the Oklahoma Bar Association in writing of the inactive status of his or her limited license by reason of obtaining a Temporary Permit. (Adopted December 18, 1998)
- 98-5 Under Rules 6.1(f)(1) and 6.2, a Licensed Legal Intern whose Licensed Legal Intern license is on inactive status by reason of obtaining a Temporary Permit and who fails the Bar Examination the first time may make application pursuant to Rule 6.1(f)(1) for reinstatement. Reinstatement petitions shall be heard by the Supreme Court Reviewing Panel. (Adopted December 18, 1998)
- 2000-1 Under Rule 6.1(f)(1), if a Licensed Legal Intern fails the Bar Examination the first time, any petition for reinstatement must be accompanied by proof that the Licensed Legal Intern has made application with the Board of Bar Examiners to take the next scheduled Bar Examination after the first failure. If the Licensed Legal Intern does not take the Bar Examination after the first failure, or otherwise fails to be admitted after taking the second Bar Examination, the Licensed Legal Intern license terminates permanently. (Adopted September 10, 2001)
- 2002-1 Under Rule 2.1 (a), “successfully completed half of the number of academic hours in a law school program leading to a Juris Doctor Degree” means that the hours must count toward the Juris Doctor Degree independent of any joint degree program in which the student may be enrolled. Any course approved by the law school faculty through its normal procedures for inclusion in the student’s Juris Doctor Degree requirements shall count toward the one-half requirement. (Adopted September 23, 2002; Amended March 26, 2009; Amended January 10, 2012)
- 2007-1 For the purposes of Rule 3.4(a), the term “law firm” shall, in addition to private law offices, also include legal divisions or in-house counsel offices of private businesses, companies, non-profit organizations or public interest groups. The term shall also include the legal division or office of general counsel of any municipal, State, or Federal government entity, or legal aid organization. It is the intent of this rule that any attorney meeting the requirements of Rule 3.1(a-c), who works for the same organization as the Licensed Legal Intern, be allowed to act as a substitute supervising attorney. (Adopted June 14, 2007)
- 2010-1 For the purposes of Rules 7.4, 7.5, 7.6 and 7.7, the terms “pleading, motion or brief” do not include forms, orders or other documents that memorialize proceedings in which a supervising attorney need not be present. (Adopted May 6, 2010)
- 2012-1 If a Licensed Legal Intern misses the application deadline to sit for the first available bar examination after graduation and has been denied an exception by the Board of Bar Examiners, the

Licensed Legal Intern may petition for reinstatement by showing good cause and filing an appropriate Law Graduate application with the Executive Director of the OBA. This petition will be heard by the Licensed Legal Intern Supreme Court Reviewing Panel and its decision will be final. (Adopted July 10, 2012)

EXHIBIT "A"

IN THE _____ COURT OF _____,
STATE OF OKLAHOMA

_____,')	
)	
PLAINTIFF.)	
)	
VS.)	Case No.
)	
_____,')	
)	
DEFENDANT.)	

AUTHORIZATION OF CLIENT TO REPRESENTATION BY LICENSED LEGAL INTERN

I, the undersigned client, state that:

1. I am represented by the undersigned attorney in the above captioned case.
2. My attorney has explained the Legal Internship Program to me and that I may be represented at times in this case by a Licensed Legal Intern who is working under the supervision of my attorney.
3. I understand that a Licensed Legal Intern is a law student and not a fully accredited lawyer.
4. I further understand that a Licensed Legal Intern has been granted a limited license to practice law in certain cases by the Supreme Court of Oklahoma.
5. Knowing the above information and after having the status of a Licensed Legal Intern fully explained to me by my attorney, I consent to being represented in this case by a Licensed Legal Intern.

CLIENT SIGNATURE

I, the undersigned attorney, have been approved by the Oklahoma Bar Association as a supervising attorney under the Legal Internship Rules, and have explained the above information to my client, believe my client understands the status of a Licensed Legal Intern, and agree to supervise my Licensed Legal Intern in this case.

SUPERVISING ATTORNEY SIGNATURE

OBA NO: _____

ADDRESS: _____

PHONE: _____

DATE: _____

**OKLAHOMA
LEGAL INTERNSHIP
APPLICATION FORMS
AND
FILING INSTRUCTIONS**

LICENSED LEGAL INTERN APPLICATION FORMS – LAW STUDENT INSTRUCTIONS

FORM NO. 1

Law Student Application for a Limited License to Practice Law in the State of Oklahoma

- a) Print or type your name and current contact information.
- b) Select the appropriate law student registration status with the Oklahoma Board of Bar Examiners or similar registration in an approved state per Rule 2.1(d).
- c) Notate your current MPRE status; attach a copy of your score report if applicable.
- d) Indicate your employment status; if you have secured a supervising attorney, attach Form No. 2.
- e) Sign and notarize.
- f) Submit a copy to your law school (mandatory).
- g) Attach a non-refundable fee of \$50 and file with the Oklahoma Bar Association (see form for mailing address and physical location).

FORM NO. 2

Law Student Application for Approval as a Supervising Attorney of Licensed Legal Interns in the State of Oklahoma

- a) Your supervising attorney must complete, sign and notarize.
- b) Submit a copy to your law school (mandatory).
- c) File with the Oklahoma Bar Association.

FORM NO. 3

Law Student Application for a Change of Supervising Attorney

- a) Your proposed supervising attorney must complete, sign and notarize.
- b) Submit a copy to your law school (mandatory).
- c) Attach a non-refundable fee of \$10 and file with the Oklahoma Bar Association.

OKLAHOMA BAR ASSOCIATION
1901 N LINCOLN BLVD
PO BOX 53036
OKLAHOMA CITY, OK 73152
ATTN: LEGAL INTERN COORDINATOR

LAW STUDENT APPLICATION
FOR A LIMITED LICENSE TO PRACTICE LAW IN THE STATE OF OKLAHOMA

ACADEMIC LEGAL INTERN **LICENSED LEGAL INTERN**

AFFIDAVIT

Mr. Ms. _____

Current Home Address _____
City State Zip

Home Phone Cell Phone Work Phone

Social Security Number Date of Birth Email Address

1. I am currently enrolled as a law student at _____ and plan to graduate _____.

2. I hereby apply for a limited license to practice law in the State of Oklahoma under the Rules of the Supreme Court of the State of Oklahoma on Legal Internship beginning in the _____ semester.

3. I have furnished a copy of this application to my law school and have requested the law school to furnish the Oklahoma Bar Association the following:

- (a) Certification regarding completion of academic hours, grade point average, and required courses.
- (b) Letter regarding awareness of professional responsibility obligation connected with the limited license.
- (c) Letter expressing opinion as to whether or not the Supreme Court of the State of Oklahoma should grant me a limited license to practice law in this State.
- (d) Proof of enrollment in an approved law school internship program.

4. Check the appropriate statements:

- (a) I have filed a law student registration with the Oklahoma Board of Bar Examiners and have been approved effective _____; OR
- (b) I have filed a Nunc Pro Tunc registration with the Oklahoma Board of Bar Examiners and have been approved effective _____; OR
- (c) I am herein furnishing proof of law student registration and approval in a state that meets the requirements of Rule 2.1(d) of the Oklahoma Supreme Court Rules on Legal Internship.
State: _____
- (d) I have obtained the minimum passing score for Oklahoma on the Multistate Professional Responsibility Examination and am exempt from taking Section B of the Legal Internship Examination. MPRE month/year: _____
 - MPRE score report must be attached to this application; OR
 - MPRE score has been reported by the NCBE to the Oklahoma Board of Bar Examiners

- (e) I have not obtained the minimum passing score for Oklahoma on the Multistate Professional Responsibility Examination (or have not yet taken the MPRE) and will be taking both Section A and Section B of the Legal Internship Examination.
 - (f) I have secured employment under the direct supervision of _____, a practicing attorney and an active member of the Oklahoma Bar Association.
 - (g) I have attached an Application for Approval as a Supervising Attorney of Licensed Legal Interns in the State of Oklahoma.
 - (h) I have not secured employment and will furnish the Oklahoma Bar Association an Application for Approval as a Supervising Attorney of Licensed Legal Interns in the State of Oklahoma at a later date.
5. I have studied and am familiar with the current revised Rules of the Supreme Court of the State of Oklahoma on Legal Internship, 5 O.S. Ch. 1, App. 6, and the current Oklahoma Rules of Professional Conduct, 5 O.S. Ch. 1, App. 3-A.

Applicant's Signature

Date

STATE OF OKLAHOMA)
)
COUNTY OF _____)

SS:

Subscribed and sworn to before me this _____ day of _____, _____ .

Notary Public

Commission No: _____

Commission Expires: _____

NOTE: A NON-REFUNDABLE FEE OF \$50.00 PAYABLE TO THE OKLAHOMA BAR ASSOCIATION MUST ACCOMPANY THIS APPLICATION [RULE 10.1(a)]

OKLAHOMA BAR ASSOCIATION
1901 N LINCOLN BLVD
PO BOX 53036
OKLAHOMA CITY, OK 73152
ATTN: LEGAL INTERN COORDINATOR

LAW STUDENT APPLICATION
FOR APPROVAL AS A SUPERVISING ATTORNEY OF LICENSED LEGAL INTERNS
IN THE STATE OF OKLAHOMA

Mr. Ms. _____ OBA No. _____

Law Firm/Organization _____

Address _____
City State Zip

Phone _____ Fax _____ Email Address _____

AFFIDAVIT

1. As a proposed supervisor, I state that I am an active member of the Oklahoma Bar Association and have been actively engaged in the practice of law since _____ .
If you have been practicing for less than five (5) years, list the public agency by which you are employed:

2. I accept responsibility for the direct supervision of _____ ,
a law student at _____ , as a Licensed Legal Intern, effective _____ .
I recommend that this applicant be granted a limited license.
3. I have read and am familiar with the current Rules of the Supreme Court of the State of Oklahoma on Legal Internship, 5 O.S. Ch. 1, App. 6. I shall discuss with the Licensed Legal Intern the limitations placed on the limited license by these rules.
4. I shall provide every opportunity for the Licensed Legal Intern to participate in or observe courtroom experience in order to obtain the required number of monthly in-court practice hours.
5. I shall supervise and counsel the Licensed Legal Intern on all legal matters assigned to him/her to ensure proper preparation and quality representation by him/her, or where the Licensed Legal Intern is supervised by an appropriate or qualified supervising attorney, I shall make myself aware of the adequacy of supervision and counsel with the Licensed Legal Intern about that experience.
6. I shall advise the client of the status of the Licensed Legal Intern and the nature of the limited license prior to obtaining the written consent of the client to the Licensed Legal Intern's representation.
7. I shall assume personal professional responsibility for the legal work performed by the Licensed Legal Intern under my supervision.
8. I shall provide the Licensed Legal Intern practical training in trial advocacy and professional ethics.

- 9. I agree that I will review all reports submitted by the Licensed Legal Intern to his/her College of Law to determine that the reports are accurate and reflect the actual time the Licensed Legal Intern spent in the various activities reported.
- 10. I shall cooperate with the Licensed Legal Intern's law school on any reporting or evaluation requirements of the approved internship practice program.
- 11. I agree to assist in the administration of the Legal Internship Rules by serving on the Legal Internship Committee as a reviewing panelist or in another capacity as may be required.
- 12. I do not have a formal complaint pending against me pursuant to Rule 6 of the Rules Governing Disciplinary Proceedings, 5 O.S. Ch. 1, App. 1-A.

Attorney's Signature

Date

STATE OF OKLAHOMA)
)
COUNTY OF _____)

SS:

Subscribed and sworn to before me this _____ day of _____, _____ .

Notary Public

Commission No: _____

Commission Expires: _____

OKLAHOMA BAR ASSOCIATION
1901 N LINCOLN BLVD
PO BOX 53036
OKLAHOMA CITY, OK 73152
ATTN: LEGAL INTERN COORDINATOR

LAW STUDENT APPLICATION
FOR A CHANGE OF SUPERVISING ATTORNEY

LICENSED LEGAL INTERN

Mr. Ms. _____

Current Home Address _____
City State Zip

Home Phone Cell Phone Work Phone

Social Security Number Date of Birth Email Address

PRESENT SUPERVISING ATTORNEY

Mr. Ms. _____
OBA No. _____

Law Firm/Organization _____

Address _____
City State Zip

Phone Fax Email Address

PROPOSED SUPERVISING ATTORNEY

Mr. Ms. _____
OBA No. _____

Law Firm/Organization _____

Address _____
City State Zip

Phone Fax Email Address

AFFIDAVIT

1. As a proposed supervisor, I state that I am an active member of the Oklahoma Bar Association and have been actively engaged in the practice of law since _____.

If you have been practicing for less than five (5) years, list the public agency by which you are employed:

2. I accept responsibility for the direct supervision of _____,
a law student at _____, as a Licensed Legal Intern, effective _____.

LICENSED LEGAL INTERN APPLICATION FORMS – LAW GRADUATE INSTRUCTIONS

FORM NO. 4

Law Graduate Application for a Limited License to Practice Law in the State of Oklahoma

- a) Print or type your name and current contact information.
- b) Select the appropriate certification of graduation status.
- c) Confirm your bar exam eligibility.
- d) Sign and notarize.
- e) Attach Form No. 6.
- f) Attach a non-refundable fee of \$50 and file with the Oklahoma Bar Association by the applicable deadline (see form for mailing address and physical location).

Application deadline for May graduates: the fourth Friday in June

Application deadline for August graduates: the fourth Friday in the following January

Application deadline for December graduates: the fourth Friday in January

FORM NO. 6

Law Graduate Application for Approval as a Supervising Attorney of Licensed Legal Interns in the State of Oklahoma

- a) Your supervising attorney must complete, sign and notarize.
- b) Attach to Form No. 4 and file with the Oklahoma Bar Association.

FORM NO. 7

Law Graduate Application for a Change of Supervising Attorney

- a) Your proposed supervising attorney must complete, sign and notarize.
- b) Attach a non-refundable fee of \$10 and file with the Oklahoma Bar Association.

OKLAHOMA BAR ASSOCIATION
1901 N LINCOLN BLVD
PO BOX 53036
OKLAHOMA CITY, OK 73152
ATTN: LEGAL INTERN COORDINATOR

LAW GRADUATE APPLICATION
FOR A LIMITED LICENSE TO PRACTICE LAW IN THE STATE OF OKLAHOMA

Mr. Ms. _____

Current Home Address _____
City State Zip

Home Phone _____ Cell Phone _____ Work Phone _____

Social Security Number _____ Date of Birth _____ Email Address _____

AFFIDAVIT

1. Pursuant to the Rules of the Supreme Court of the State of Oklahoma on Legal Internship, I hereby apply for a limited license to practice law in the State of Oklahoma after graduation from an accredited law school.
2. I graduated from _____, an accredited law school, on _____.
3. Check the appropriate statements:
 - (a) I have attached a certification of graduation from my law school (either Dean of the Law School or the Office of Admissions and Records); OR
 - (b) I have requested a certification of graduation from my law school and will file it with the Oklahoma Bar Association prior to the application deadline.
 - (c) I have met all the requirements to take the first available Oklahoma Bar Examination after graduation.
 - (d) I have secured employment under the direct supervision of _____, a practicing attorney and an active member of the Oklahoma Bar Association.
 - (e) I have attached a Law Graduate Application for Approval as a Supervising Attorney of Licensed Legal Interns in the State of Oklahoma.
4. I have studied and am familiar with the current revised Rules of the Supreme Court of the State of Oklahoma on Legal Internship, 5 O.S. Ch. 1, App. 6, and the current Oklahoma Rules of Professional Conduct, 5 O.S. Ch. 1, App. 3-A.

Applicant's Signature Date

OKLAHOMA BAR ASSOCIATION
 1901 N LINCOLN BLVD
 PO BOX 53036
 OKLAHOMA CITY, OK 73152
 ATTN: LEGAL INTERN COORDINATOR

LAW GRADUATE APPLICATION
FOR APPROVAL AS A SUPERVISING ATTORNEY OF LICENSED LEGAL INTERNS
IN THE STATE OF OKLAHOMA

Mr. Ms. _____ OBA No. _____

Law Firm/Organization _____

Address _____
 _____ City State Zip

_____ Phone _____ Fax _____ Email Address _____

AFFIDAVIT

1. As a proposed supervisor, I state that I am an active member of the Oklahoma Bar Association and have been actively engaged in the practice of law since _____.
If you have been practicing for less than five (5) years, list the public agency by which you are employed:

2. I accept responsibility for the direct supervision of _____, as a Licensed Legal Intern. I recommend that this applicant be granted a limited license.
3. I have read and am familiar with the current Rules of the Supreme Court of the State of Oklahoma on Legal Internship, 5 O.S. Ch. 1, App. 6. I shall discuss with the Licensed Legal Intern the limitations placed on the limited license by these rules.
4. I shall provide every opportunity for the Licensed Legal Intern to participate in or observe courtroom experience in order to obtain the required number of monthly in-court practice hours.
5. I shall supervise and counsel the Licensed Legal Intern on all legal matters assigned to him/her to ensure proper preparation and quality representation by him/her, or where the Licensed Legal Intern is supervised by an appropriate or qualified supervising attorney, I shall make myself aware of the adequacy of supervision and counsel with the Licensed Legal Intern about that experience.
6. I shall advise the client of the status of the Licensed Legal Intern and the nature of the limited license prior to obtaining the written consent of the client to the Licensed Legal Intern's representation.
7. I shall assume personal professional responsibility for the legal work performed by the Licensed Legal Intern under my supervision.
8. I shall provide the Licensed Legal Intern practical training in trial advocacy and professional ethics.
9. I agree to assist in the administration of the Legal Internship Rules by serving on the Legal Internship Committee as a reviewing panelist or in another capacity as may be required.

10. I do not have a formal complaint pending against me pursuant to Rule 6 of the Rules Governing Disciplinary Proceedings, 5 O.S. Ch. 1, App. 1-A.

Attorney's Signature

Date

STATE OF OKLAHOMA)
)
COUNTY OF _____)

SS:

Subscribed and sworn to before me this _____ day of _____, _____ .

Notary Public

Commission No: _____

Commission Expires: _____

OKLAHOMA BAR ASSOCIATION
1901 N LINCOLN BLVD
PO BOX 53036
OKLAHOMA CITY, OK 73152
ATTN: LEGAL INTERN COORDINATOR

LAW GRADUATE APPLICATION
FOR A CHANGE OF SUPERVISING ATTORNEY
LICENSED LEGAL INTERN

Mr. Ms. _____

Current Home Address _____
City State Zip

Home Phone Cell Phone Work Phone

Social Security Number Date of Birth Email Address

PRESENT SUPERVISING ATTORNEY

Mr. Ms. _____
OBA No. _____

Law Firm/Organization _____

Address _____
City State Zip

Phone Fax Email Address

PROPOSED SUPERVISING ATTORNEY

Mr. Ms. _____
OBA No. _____

Law Firm/Organization _____

Address _____
City State Zip

Phone Fax Email Address

AFFIDAVIT

1. As a proposed supervisor, I state that I am an active member of the Oklahoma Bar Association and have been actively engaged in the practice of law since _____.

If you have been practicing for less than five (5) years, list the public agency by which you are employed:

2. I accept responsibility for the direct supervision of _____,
a graduate of _____, as a Licensed Legal Intern.

LICENSED LEGAL INTERN APPLICATION FORMS – LAW GRADUATE INSTRUCTIONS
FOR REINSTATEMENT AFTER FAILING THE BAR EXAMINATION

FORM NO. 5

Application for Reinstatement of a Limited License to Practice Law in the State of Oklahoma Following Failure of the First Oklahoma Bar Examination

- a) Print or type your name and current contact information.
- b) Set forth in writing the matters you wish the Oklahoma Supreme Court Reviewing Panel to consider in determining good cause for reinstating your limited license.
- c) Attach a certification of graduation from your law school and a copy of your law school transcript.
- d) Confirm your bar exam eligibility.
- e) Sign and notarize.
- f) Attach Form No. 6.
- g) Attach a non-refundable fee of \$50 and file with the Oklahoma Bar Association by the applicable deadline (see form for mailing address and physical location).

Application deadline for graduates taking the February bar: the fourth Friday in January

Application deadline for graduates taking the July bar: the fourth Friday in June

FORM NO. 6

Law Graduate Application for Approval as a Supervising Attorney of Licensed Legal Interns in the State of Oklahoma

- a) Your supervising attorney must complete, sign and notarize.
- b) Attach to Form No. 5 and file with the Oklahoma Bar Association.

OKLAHOMA BAR ASSOCIATION
1901 N LINCOLN BLVD
PO BOX 53036
OKLAHOMA CITY, OK 73152
ATTN: LEGAL INTERN COORDINATOR

LAW GRADUATE APPLICATION
FOR REINSTATEMENT OF A LIMITED LICENSE TO PRACTICE LAW IN THE STATE OF OKLAHOMA
FOLLOWING FAILURE OF THE FIRST OKLAHOMA BAR EXAMINATION

Mr. Ms. _____

Current Home Address _____
City State Zip

Home Phone Cell Phone Work Phone

Social Security Number Date of Birth Email Address

AFFIDAVIT

1. Pursuant to the Rules of the Supreme Court of the State of Oklahoma on Legal Internship, I hereby apply for reinstatement of my limited license to practice law in the State of Oklahoma after failing the Oklahoma Bar Examination.
2. I was originally sworn in as a Licensed Legal Intern on _____ (Date).
3. I failed the Oklahoma Bar Examination given by the Board of Bar Examiners on _____ (Date).
4. I have attached a statement of good cause as to why I should be granted a reinstatement of my limited license after failing the Oklahoma Bar Examination.
5. I have attached a certification of graduation from my law school (either Dean of Law School or the Office of Admissions and Records) and a copy of my law school transcript.
6. As of _____ (Date), I have met all the requirements to take the next Oklahoma Bar Examination set for _____ (Date).
7. I have secured, or maintained, employment under the direct supervision of _____, a practicing attorney and an active member of the Oklahoma Bar Association and have attached his/her Law Graduate Application for Approval as a Supervising Attorney of Licensed Legal Interns in the State of Oklahoma.
8. I have studied and am familiar with the current Rules of the Supreme Court of the State of Oklahoma on Legal Internship, 5 O.S. Ch. 1, App. 6, and the current Oklahoma Rules of Professional Conduct, 5 O.S., Ch. 1, App. 1-A.

Applicant's Signature Date

STATE OF OKLAHOMA)
)
 COUNTY OF _____)

SS:

Subscribed and sworn to before me this _____ day of _____, _____ .

 Notary Public

Commission No: _____

Commission Expires: _____

NOTE: A NON-REFUNDABLE FEE OF \$50.00 PAYABLE TO THE OKLAHOMA BAR ASSOCIATION MUST ACCOMPANY THIS APPLICATION [RULE 10.1(b)]

APPLICATION DEADLINES

GRADUATES TAKING THE FEBRUARY OKLAHOMA BAR EXAMINATION: THE FOURTH FRIDAY IN JANUARY

GRADUATES TAKING THE JULY OKLAHOMA BAR EXAMINATION: THE FOURTH FRIDAY IN JUNE

OKLAHOMA BAR ASSOCIATION
 1901 N LINCOLN BLVD
 PO BOX 53036
 OKLAHOMA CITY, OK 73152
 ATTN: LEGAL INTERN COORDINATOR

LAW GRADUATE APPLICATION
FOR APPROVAL AS A SUPERVISING ATTORNEY OF LICENSED LEGAL INTERNS
IN THE STATE OF OKLAHOMA

Mr. Ms. _____ OBA No. _____

Law Firm/Organization _____

Address _____
 _____ City State Zip

_____ Phone _____ Fax _____ Email Address _____

AFFIDAVIT

1. As a proposed supervisor, I state that I am an active member of the Oklahoma Bar Association and have been actively engaged in the practice of law since _____.
If you have been practicing for less than five (5) years, list the public agency by which you are employed:

2. I accept responsibility for the direct supervision of _____, as a Licensed Legal Intern. I recommend that this applicant be granted a limited license.
3. I have read and am familiar with the current Rules of the Supreme Court of the State of Oklahoma on Legal Internship, 5 O.S. Ch. 1, App. 6. I shall discuss with the Licensed Legal Intern the limitations placed on the limited license by these rules.
4. I shall provide every opportunity for the Licensed Legal Intern to participate in or observe courtroom experience in order to obtain the required number of monthly in-court practice hours.
5. I shall supervise and counsel the Licensed Legal Intern on all legal matters assigned to him/her to ensure proper preparation and quality representation by him/her, or where the Licensed Legal Intern is supervised by an appropriate or qualified supervising attorney, I shall make myself aware of the adequacy of supervision and counsel with the Licensed Legal Intern about that experience.
6. I shall advise the client of the status of the Licensed Legal Intern and the nature of the limited license prior to obtaining the written consent of the client to the Licensed Legal Intern's representation.
7. I shall assume personal professional responsibility for the legal work performed by the Licensed Legal Intern under my supervision.
8. I shall provide the Licensed Legal Intern practical training in trial advocacy and professional ethics.
9. I agree to assist in the administration of the Legal Internship Rules by serving on the Legal Internship Committee as a reviewing panelist or in another capacity as may be required.

10. I do not have a formal complaint pending against me pursuant to Rule 6 of the Rules Governing Disciplinary Proceedings, 5 O.S. Ch. 1, App. 1-A.

Attorney's Signature

Date

STATE OF OKLAHOMA)
)
COUNTY OF _____)

SS:

Subscribed and sworn to before me this _____ day of _____, _____ .

Notary Public

Commission No: _____

Commission Expires: _____

Oregon Rules for Admission of Attorneys
LAW STUDENT APPEARANCE PROGRAM

13.05 Purpose of Law Student Appearance Program

The bench and the bar are primarily responsible for providing competent legal services for all persons, including those unable to pay reasonable fees for these services. As one means to develop trial and appellate advocacy skills and to encourage law schools to provide clinical instruction in trial and appellate work, Rules 13.05 to 13.30 are adopted. Nothing contained in these rules shall affect the right of any person who is not admitted to the practice of law to do anything that the person might lawfully have done prior to the adoption of these rules.

13.10 Appearances and Activities of Eligible Law Student

- (1) An eligible law student may appear before any court or before any administrative tribunal in this state in accordance with this rule. As used herein, "appear" or "appearance" means personal appearance before a court or an administrative tribunal.
- (2) The law student shall at all times be subject to the supervision of a member of the Oregon State Bar, except as provided in subparagraph (3) of this rule.
- (3) Subject to the client's approval as hereinafter provided, an eligible law student may appear for a client, with or without the supervising attorney being present, except as hereinafter provided. The extent of the law student's participation shall be determined by the supervising attorney, giving due consideration to the nature of the case, the ability and experience of the student and the complexity of the factual and legal issues involved.
- (4) Except as provided for in subparagraph (5) of this rule, no law student shall appear without the supervising attorney in (a) any criminal case in which the defendant may be subject to a felony conviction, (b) any juvenile case where the act committed by the juvenile if committed by an adult would have been considered a felony or (c) in any commitment proceedings.
- (5) An eligible law student may appear in any civil or criminal matter, on behalf of the state or any other governmental body, with the written consent of the supervising attorney of the state agency or governmental body.

- (6) No law student shall appear until the client, the supervising attorney and the judge of the court or the presiding officer of the tribunal have consented to such appearance. The supervising attorney shall be responsible for explaining to the client the nature and extent of the law student's participation and for obtaining the client's consent to such participation. The client's consent shall be in writing and filed with the court or tribunal and become part of the record of the case.

13.15 Other Activities of Eligible Law Student

- (1) An eligible law student may engage in other activities, under the general supervision of a member of the bar but outside the personal presence of that attorney, including:
 - (a) 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 attorney;
 - (b) Preparation of briefs, abstracts and other documents to be filed in the appellate courts of this state; but such documents must be signed by the supervising attorney;
 - (c) Assistance to indigent inmates of correctional institutions or other persons convicted of crimes who request such assistance in preparing habeas corpus applications and supporting documents for post-conviction relief, except when the assignment of counsel in the matter is required by any constitutional provision, statute or rule of the Court; provided that if there is an attorney of record in the matter, all such assistance must be supervised both by the supervising attorney and the attorney of record, and all documents submitted to the court on behalf of such client must be signed by the attorney of record.
- (2) Each document or pleading prepared under subparagraph (1) of this rule must contain the name of the eligible law student who has participated in drafting it. If the student participated in drafting only a portion of it that fact may be mentioned.
- (3) An eligible law student may participate in oral argument in appellate courts, but only in the presence of the supervising attorney.

13.20 Requirements and Limitations

- (1) To be eligible for certification pursuant to these rules, a law student must:
 - (a) Be duly enrolled in or have graduated from a law school approved by the American Bar Association;
 - (b) Have completed legal studies amounting to at least four semesters of full-time law study or the equivalent;
 - (c) Be of good character and be adequately trained to perform competently as a legal intern; and
 - (d) Certify in writing to the dean of the law school that the student has read and is familiar with the Model Rules of Professional Conduct of the American Bar Association and the Oregon Rules of Professional Conduct of the Oregon State Bar.
 - (e) Cause the dean of the student's law school to certify that the student is eligible under subsections (a), (b), (c) and (d) substantially in the form set forth in Appendix A.
- (2) A certified law student shall neither ask for nor receive any compensation or remuneration of any kind for the student's services directly from the client on whose behalf service is rendered; but an attorney, legal aid organization, law school, public defender or any governmental body may pay compensation to the eligible law student as an employee, and the employer may charge for the student's services.

The certified law student's supervising attorney shall introduce the law student to the court or tribunal in which the student is to appear.

13.25 Certification Procedure

The certification of a student by the law school dean:

- (1) Shall be filed with the State Court Administrator and, unless it is withdrawn sooner, shall remain in effect until the expiration of the earlier of (a) eighteen months after it is filed or (b) the announcement of the results of the first bar examination following the student's graduation, provided, for any student who passes that examination, the certification shall continue in effect through the date of the first swearing-in ceremony following the examination.

- (2) May be withdrawn by the dean at any time by mailing a notice to that effect to the State Court Administrator. It is not necessary that the notice state the cause for withdrawal.
- (3) May be terminated by the Court at any time without notice or hearing and without any showing of cause. Notice of the termination shall be filed with the State Court Administrator.

13.30 Supervision

The member of the bar under whose supervision an eligible law student does any of the things permitted by these rules shall assume personal professional responsibility for the student's guidance in any work undertaken and for supervising the quality of the student's work. The supervising attorney shall assist the student's analysis, preparation and performance to the extent the supervising attorney considers appropriate, giving at all times consideration to the interests of the client.

Pennsylvania Board of Bar Examiners Rules

Rule 321

Requirements for Formal Participation in Legal Matters by Law Students and Law School Graduates

(a) General Rule. The requirements for eligibility for formal participation in legal matters by a law student or law school graduate pursuant to [Rule 322](#) (relating to authorized activities of certified legal interns) are:

- (1) Enrollment in or graduation from an accredited law school or a law school that has been approved by the Board which has filed and is actively pursuing an application for accreditation with the American Bar Association; provided that students who attend or graduated from a law school that is located in a jurisdiction that has a program permitting law students to participate in legal matters, which does not afford students attending law school in Pennsylvania the same privilege or opportunity to formally participate in legal matters as a law student in the jurisdiction as is granted to students attending law school in the jurisdiction, shall not be eligible to participate in legal matters pursuant to [Rule 322](#).
- (2) Completion of legal studies amounting to at least three semesters, or the equivalent if the law school is on a basis other than the semester basis.
- (3) Existence and maintenance of certification as prescribed in [Subdivision \(b\)](#) of this rule.
- (4) Introduction to the judge or magisterial district judge before whom the law student or law school graduate is appearing by a member of the bar of this Commonwealth.
- (5) Absence of a request for or receipt by the law student or law school graduate of compensation or remuneration of any kind for his or her services from the person on whose behalf the law student or law school graduate renders services. This paragraph shall not prevent:
 - (i) An attorney or a law school, legal services program, defender association, or government unit from paying compensation to the law student or law school graduate.
 - (ii) Any person other than the law student or law school graduate from making such charges for services as such person may otherwise properly require.

(b) Certification. Only those law students or law school graduates shall be eligible for the benefits of [Rule 322](#) who have been certified by the dean of their law school as being of good character and competent legal ability, and as being adequately trained to perform as a legal intern. The certification shall be made by filing one copy thereof with the Prothonotary. The certification:

- (1) Shall be in writing on a form prescribed by the Board and shall remain in effect until the expiration of 24 months after it is filed, or until the announcement of the results of the first bar examination following the completion of the study of law by the student or law school graduate, whichever is earlier. In the case of a student or law school graduate who

passes that examination, the certification shall continue in effect until the student or law school graduate is admitted to the bar.

(2) May be withdrawn at any time by the dean by filing a notice to that effect with the Prothonotary. It is not necessary that the notice state the cause for withdrawal.

(3) May be terminated by the Court at any time without notice or hearing and without any showing of cause.

Rule 322

Authorized Activities of Certified Legal Interns

(a) General Rule. Subject to the restrictions of this subdivision, a certified legal intern may with the approval of a supervising attorney:

(1) Appear before any government unit (other than the Supreme, Superior or Commonwealth Courts) in any civil or criminal matter on behalf of any indigent, if the person on whose behalf the legal intern is appearing consents to such appearance. The supervising attorney must be personally present throughout the proceedings where the legal intern is appearing on behalf of the defendant in a criminal matter where the defendant has the right to counsel under any provision of law.

(2) Appear in any civil or criminal matter on behalf of the Commonwealth, if the Attorney General (or the prosecuting attorney in the case of a criminal matter) or his or her authorized representative consents to such appearance.

The approval of the supervising attorney and the consent of the party represented required by this subdivision shall be in writing and filed of record in the matter and shall be brought to the attention of the judge or magisterial district judge or the presiding officer of the other government unit.

(b) Preparation of Papers. A certified legal intern may engage in other activities, under the general supervision of a member of the bar of this Commonwealth, but outside the personal presence of the attorney, including:

(1) Preparation of pleadings and other documents to be filed in any matter in which the legal intern is eligible to appear and in any appeals therefrom in the Supreme, Superior or Commonwealth Courts.

(2) Except when the assignment of counsel is required under any provision of law, 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 shall be supervised by the attorney of record.

Each pleading or other document shall contain the name of the legal intern who has participated in drafting it. If the legal intern participated in drafting only a portion of it, that fact may be stated. All pleadings or other documents shall be signed by the supervising attorney.

(c) Supervising Attorney. The attorney under whose supervision a certified legal intern performs any of the services permitted by this rule shall:

- (1) Be approved in writing as a supervising attorney for the purposes of this rule by the dean of the law school in which the legal intern is or was enrolled.
- (2) Assume personal professional responsibility for the guidance of the legal intern in any work undertaken and for supervising the quality of the work of the legal intern.
- (3) Assist the legal intern in his or her preparation to the extent the supervising attorney considers necessary.

Rhode Island Supreme Court Rules

Article II

Rule 9(c)

LAW STUDENTS

(c)(1) A senior law student in a law school accredited and approved by the American Bar Association may appear without compensation on behalf of the State (including a subdivision thereof or a municipal corporation) or on behalf of indigent parties in criminal or civil proceedings in the District Court, in the Family Court, in the Administrative Adjudication Court or its successor tribunal, in any municipal court (including probate or housing), or before any state or municipality administrative agency, board, or department, providing that the conduct of the case is under the general supervision of a member of the bar of this State who, as appropriate, is a regular or special assistant attorney general or municipality solicitor, or is employed by the Office of the Public Defender or any other State agency, or is associated with an organized and approved program providing legal services to indigents which program is either 1) funded in whole or in part by the federal government or by the Rhode Island Bar Foundation or 2) sponsored by a law school accredited and approved by the American Bar Association.

(2) The term “general supervision” shall not be construed to require the attendance of the supervising attorney in court or before the tribunal. Where a supervising attorney is present, however, he or she shall have the right to participate with the student in the proceedings at his or her discretion. Provided further that no senior law student shall conduct a trial on the merits on behalf of an indigent defendant in the District or Family Courts unless the supervising attorney is present to oversee the conduct of the proceedings.

(3) The term “senior student” or “senior law student” shall mean a student who has completed successfully the equivalent of at least three full-time semesters of his or her course of law school study and who has completed or is enrolled in a course for credit in evidence or trial practice. Such student shall also secure the written approval by the dean of his or her law school certifying to the student's good character, legal ability, and training. The dean's written approval shall be filed in respect to a student or group of students with the Clerk of the Supreme Court and shall remain in effect, unless withdrawn earlier, until the date of the first bar examination following the student's graduation, and as to a student taking that examination, until the announcement of the results thereof. For any student who passes that examination, the approval shall continue in effect until the date of his or her admission to the bar.

(4) The justices of the Supreme Court or a justice of the Superior Court may, in the exercise of judicial discretion, permit a senior law student qualified and supervised as provided in subsections (a) through (c) hereof, to appear without compensation on behalf of the State or an indigent party in a criminal or civil proceeding or appeal. The supervising attorney shall be present in the Supreme or Superior Court to oversee the conduct of the proceedings and may

participate in the proceedings, either at his or her discretion or if required to do so by the Court in the interest of justice or to ensure the orderly administration of court business.

(5) Any indigent party represented by a senior law student shall be informed at the commencement of the representation that the student is practicing pursuant to this rule. No student shall represent an indigent party in any proceeding in court or before any administrative agency, board or department without the client's written consent and, if the client is a child, without the written consent of the guardian ad litem, if any, as well.

(6) The term “without compensation” used in this rule shall not be construed to make such senior law students ineligible to be paid as interns or work study participants in the office of the Attorney General or the Public Defender wherein their compensation shall not depend in any way upon the number of cases, if any, in which they might be called upon to participate. Such programs, whether supported by federal, state or other funding resources shall not in any way be inhibited or adversely affected by any provisions of this rule.

South Carolina Appellate Court Rule 401

RULE 401

STUDENT PRACTICE RULE

(a) This Rule is adopted solely in aid of the clinical legal education programs at the University of South Carolina School of Law and the Charleston School of Law.

(b) An eligible law student may appear in any inferior court or before any administrative tribunal on behalf of any indigent person, with that person's written consent, or on behalf of the State or any of its departments, agencies, institutions, or political subdivisions, with the written approval of the Attorney General. If referred to the clinical legal education program by a state or federal court, department, agency, institution, or other department of the University of South Carolina School of Law or the Charleston School of Law, an eligible law student may also appear in an inferior court or before an administrative tribunal on behalf of a non-indigent person or non-profit organization with the written consent of the person or the written approval of the organization's governing body or executive officer. The consent or approval shall be filed in the record of the case and shall be brought to the attention of the judge or the presiding officer. In all cases, a supervising lawyer is required to be personally present throughout the proceeding.

(c) An eligible law student may engage in other activities, under a lawyer's general supervision, but outside the lawyer's presence, including:

(1) preparation of the pleadings, briefs and other legal documents to be approved and signed by the supervising lawyer;

(2) assisting indigent inmates of correctional institutions in preparing applications and supporting documents for post-conviction relief. If there is an attorney of record in the matter, all such assistance must be supervised by that attorney and all documents submitted to the court on behalf of the inmate must be signed by the attorney. Solicitation of representation of indigent inmates shall be a violation of this Rule;

(3) mediate a dispute in a court annexed mediation program; provided the eligible law student has successfully completed a 40 hour mediation training program approved by the Board of Arbitrator and Mediator Certification of the Supreme Court's Commission on Alternative Dispute Resolution, and provided the eligible law student is supervised on-site by an attorney who is licensed to practice law in South Carolina and holds a current certification in mediation from the Board of Arbitrator and Mediator Certification.

(d) In order to make an appearance pursuant to this Rule, a law student must:

(1) be enrolled in the University of South Carolina School of Law or the Charleston School of Law;

(2) have completed the equivalent of four (4) semesters of legal studies;

(3) be certified by the Dean of the respective School of Law as being of good character and competent legal ability, and as being currently enrolled in a clinical course. The certification shall be filed with the

Clerk of the Supreme Court and shall remain in effect for eighteen (18) months or until the announcement of the results of the first Bar examination following the student's graduation, whichever is earlier. The certification of students who pass the Bar examination shall remain in effect until they are admitted to the Bar. The certification may be withdrawn by the respective Dean at any time upon written notice to the Clerk or may be terminated by the Supreme Court without notice or hearing and without any showing of cause;

(4) neither ask for nor receive any compensation or remuneration of any kind for services performed pursuant to this Rule. Nothing in this provision shall be interpreted to prevent the law student from receiving course credit from the respective School of Law for his participation in the clinical programs, or to preclude the clinical programs from seeking attorney's fees where appropriate; and

(5) certify in writing that the student is familiar with, and will be governed by the Rules of Professional Conduct adopted by the Supreme Court. Any student who violates the Rules of Professional Conduct or fails to abide by the conditions of this Rule shall be subject to disciplinary action by the Supreme Court.

(e) The supervising lawyer shall be approved by the Dean of the respective School of Law and shall assume personal professional responsibility for the student's guidance and for supervising the quality of the student's work.

Last amended by Order dated October 10, 2008.

South Dakota Codified Laws

16-18-2.1. Legal assistance by law students--Purpose of provisions. The bench and the bar are primarily responsible for providing competent legal services for all persons including those unable to pay for these services. As one means of providing assistance to lawyers and to encourage law schools to provide field placement instruction in legal work of varying kinds, §§ 16-18-2.2 to 16-18-2.10, inclusive, are adopted. For the purposes of §§ 16-18-2.1 to 16-18-2.10, "extern" means a student in a field placement program for academic credit offered by a school of law in accordance with the American Bar Association Standards for Approval of Law Schools, and "intern" means any other student providing legal assistance under the supervising lawyer.

Source: Supreme Court Order No. 3, 1969; SL 2011, ch 249 (Supreme Court Rule 11-06), eff. July 1, 2011.

16-18-2.2. Requirements for participation by law student. In order to make an appearance and to participate pursuant to §§ 16-18-2.1 to 16-18-2.10, inclusive, the law student must:

- (1) Be duly enrolled in or a graduate of the school of law of the University of South Dakota or a law school approved by the American Bar Association.
- (2) Have completed legal studies amounting to at least four semesters or the equivalent if the school is on some basis other than a semester basis.
- (3) Be certified by the dean of such law school as being of good moral character and competent legal ability, and as being adequately trained to perform as a legal intern or extern. As a part of the certificate the dean shall set forth the termination date of the certificate. No certificate shall remain in effect in excess of eighteen months after it is filed.
- (4) Be introduced to the court or administrative agency in which he or she is appearing as a legal intern or extern by a lawyer authorized to practice law in this state.
- (5) Neither ask nor receive any compensation or remuneration of any kind for his or her services from the person on whose behalf he or she 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 legal intern, nor shall it prevent any agency from making such charges for its services as it may otherwise properly require, or prevent any agency or lawyer from reimbursing a legal intern or extern for reasonable, out-of-pocket expenses related to the field placement.
- (6) Certify in writing that he or she has read and is familiar with the rules of professional conduct of the Supreme Court of South Dakota, this title and the provisions of §§ 19-13-2 to 19-13-5, inclusive, and agree to govern his or her conduct accordingly. Such certification shall either be made part of or shall be annexed to the certification of the dean of the law school as required by subdivision (3) of this section.

Source: Supreme Court Order No. 3, 1969; Supreme Court Rule 75-4, § 1; Supreme Court Rule 80-16; Supreme Court Rule 87-13, SL 1988, ch 432; SL 1989, ch 30, § 49; SL 2011, ch 240 (Supreme Court Rule 10-16), eff. July 1, 2011; SL 2011, ch 250 (Supreme Court Rule 11-07), eff. July 1, 2011.

16-18-2.3. Certification of legal intern or extern by law school dean--Filing--Effective period--Withdrawal by dean or termination by Supreme Court. The certification pursuant to § 16-18-2.2 by the law school dean of a law student to become and perform as a legal intern or extern:

- (1) Shall be filed with the clerk of the Supreme Court and the secretary of the Board of Bar Examiners and, unless it is sooner withdrawn, it shall remain in effect until the expiration of the term fixed by the certificate of the dean, or until the announcement by the Board of Bar Examiners of this state of the results of the first bar examination following the student's graduation, whichever is earlier. Provided, that as to any student who passes such examination, the certification shall continue in effect until the date he or she is admitted to practice law pursuant to § 16-16-17; but such continuation shall not exceed three months. However, any student who fails such examination on the first occasion may apply to the dean of such law school and obtain, upon a showing of good cause in good faith, an extension certificate until the results of the next bar examination are announced. The Board of Bar Examiners announces the results of the bar examination by letter to the student informing him or her that s/he passed or failed the examination.
- (2) May be withdrawn by the dean at any time by mailing a notice to that effect to the secretary of the Board of Bar Examiners and the clerk of the Supreme Court, which shall be filed by the clerk. Such withdrawal may be without notice or hearing and without any showing of cause.
- (3) May be terminated by the Supreme Court at any time without notice or hearing and without any showing of cause. Notice of termination shall be filed with the clerk of the court and the secretary of the Board of Bar Examiners.
- (4) May be terminated by the Board of Bar Examiners at any time without notice of hearing and without any showing of cause. Notice of termination shall be filed with the clerk of the Supreme Court.

Source: Supreme Court Order No. 3, 1969; Supreme Court Rule 75-4, § 2; Supreme Court Rule 89-14; SL 2011, ch 241 (Supreme Court Rule 10-17), eff. July 1, 2011; SL 2011, ch 251 (Supreme Court Rule 11-08), eff. July 1, 2011.

16-18-2.4. Consent and approval for appearance by legal intern or extern--Authority for appearance in civil and criminal matters. A legal intern or extern may appear and participate in any proceeding in any court or before any administrative agency in this state on behalf of any person in the following matters and under the following circumstances:

(1) In any civil matter. In such matters a supervising lawyer shall certify to the court or the administrative agency, orally or in writing, that the client has consented to the appearance of the legal intern or extern. A supervising lawyer is required to be personally present in court or before the administrative agency at each appearance by a legal intern.

(2) In any criminal or quasi-criminal matter, and whether the defendant does or does not have the right to the assignment of counsel under any constitutional provision, statute, or rule of the Supreme Court of this state or of the United States. In such matters the client shall consent in writing and a supervising lawyer shall approve in writing the appearance by the legal intern or extern and the supervising lawyer shall be personally present throughout the proceedings.

Source: Supreme Court Order No. 3, 1969; Supreme Court Rule 75-4, § 3; SL 2011, ch 242 (Supreme Court Rule 10-18), eff. July 1, 2011; SL 2011, ch 252 (Supreme Court Rule 11-09), eff. July 1, 2011.

16-18-2.5. Appearance by legal intern or extern for state, county, or first or second class municipality. A legal intern or extern may appear in any civil, criminal, or quasi-criminal matter on behalf of the state, a county, or a first or second class municipality with the written approval of the attorney general, state's attorney, or city attorney, as the case may be. The legal intern or extern shall be under the supervision of the approving attorney, or of a deputy or assistant thereof, who has the responsibility as supervising lawyer. The approval may be for a specific case or matter or may be general for a series or type of cases or matters as appears in order to the approving attorney. The approval may be withdrawn at any time by the approving attorney without notice, hearing, or cause stated; and the withdrawal shall be filed pursuant to § 16-18-2.8. Unless the court orders otherwise, the appearance by the legal intern or extern may be in the absence of the supervising lawyer.

Source: Supreme Court Order No. 3, 1969; Supreme Court Rule 75-4, § 4; SL 1992, ch 60, § 2; SL 2011, ch 253 (Supreme Court Rule 11-10), eff. July 1, 2011.

16-18-2.6. Preparation of pleadings, briefs, and other documents by legal intern or extern. In addition to the activities authorized under §§ 16-18-2.4 and 16-18-2.5, except as may be limited by the certificate of the dean, a legal intern or extern may engage in other activities, under the general supervision of a supervising lawyer, but outside the personal presence of that lawyer, including but not limited to preparation of pleadings, abstracts, and other documents in any matter; but any item requiring signature under rule or statute must be signed by a lawyer authorized to practice law in this state.

Source: Supreme Court Order No. 3, 1969; Supreme Court Rule 75-4, § 5; SL 2011, ch 254 (Supreme Court Rule 11-11), eff. July 1, 2011.

16-18-2.7. Oral argument by legal intern or extern before Supreme Court. A legal intern or extern may participate in oral argument before the Supreme Court but only in the presence of a

supervising lawyer who shall certify to the court in his or her introduction of the legal intern or extern to the court that the client has approved the participation by the legal intern or extern.

Source: Supreme Court Order No. 3, 1969; Supreme Court Rule 75-4, § 6; SL 2011, ch 243 (Supreme Court Rule 10-19), eff. July 1, 2011; SL 2011, ch 255 (Supreme Court Rule 11-12), eff. July 1, 2011.

16-18-2.8. Notation of oral consent and approval of appearance by legal intern or extern-- Filing of written consent.

In each case where the consent and/or approval referred to in §§ 16-18-2.4, 16-18-2.5, and 16-18-2.7 is required, any oral certification of a supervising lawyer shall be noted by the court or presiding officer of the administrative agency on its records of the case and any written consent and/or approval 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 agency. Provided, however, a general approval by the attorney general, state's attorney, or city attorney pursuant to § 16-18-2.5 shall be filed with the clerk of the applicable court and brought to the attention of the judge thereof.

Source: Supreme Court Order No. 3, 1969; Supreme Court Rule 75-4, § 7; SL 2011, ch 256 (Supreme Court Rule 11-13), eff. July 1, 2011.

16-18-2.9. Qualifications of supervising lawyer--Professional responsibility. A supervising lawyer under whose supervision a legal intern or extern does any of the things permitted by §§ 16-18-2.4 to 16-18-2.7, inclusive, shall be a lawyer authorized to practice law in this state, and:

- (1) Shall be approved by the dean of the school of law of the University of South Dakota or by the director of the externship program of the school of law; and such approval by the dean or the director may be general, may have time, scope, or case limitations, or may be on an ad hoc case by case basis; all such as the dean or the director shall from time to time determine. The approval may be modified or withdrawn by the dean or the director at any time without notice or hearing and without any showing of cause. Such approval shall be in writing except that at the option of the dean or the director the approval may be oral for all matters relating to the externship program.
- (2) Shall assume personal professional responsibility for the conduct of the legal intern or extern.

Source: Supreme Court Order No. 3, 1969; Supreme Court Rule 75-4, § 8; SL 2011, ch 257 (Supreme Court Rule 11-14), eff. July 1, 2011.

16-18-2.10. Other rights not affected by provisions for legal assistance by legal interns or externs. Nothing contained in §§ 16-18-2.1 to 16-18-2.9, inclusive, shall affect the right of any person who is not admitted to practice law to do anything that he or she might lawfully do prior to the adoption of §§ 16-18-2.1 to 16-18-2.9, inclusive.

Source: Supreme Court Order No. 3, 1969; Supreme Court Rule 75-4, § 9; SL 2011, ch 258 (Supreme Court Rule 11-15), eff. July 1, 2011.

Tennessee Student Practice Rule

Tennessee Supreme Court Rules: Rule 7 § 10.03

Sec. 10.03. Law Student Practice

(a) Any law student who has successfully completed one-half of the legal studies required for graduation from any school of law from which a graduate is eligible under this rule to take the Tennessee bar examination may, with the written approval of the Supreme Court of Tennessee, provide legal services to, and/or may appear in any municipal, county, or state court on behalf of, any person or entity financially unable to afford counsel or on behalf of the state of Tennessee or of any municipal or county government; provided, however, that the law student is participating in a law school clinical program, furnishing assistance through a legal aid program, or serving as an assistant to a District Attorney, Public Defender, the State's Attorney General, the general counsel of any state agency, or a county or municipal legal director's office, and that the law student is under the immediate and personal supervision of a member of the law school's faculty, a licensed legal aid attorney, a District Public Defender or designated Assistant District Attorney General, a District Public Defender or designate Assistant District Public Defender, the Attorney General of Tennessee or any assistant in his or her office, the general counsel of any state agency or any staff attorney in his or her office, or the director of a county or municipal legal office or designated staff attorney.

(b) Before any student shall be eligible to provide legal services and/or appear in court under this rule, the dean of the approved law school or the director of the law school clinical program shall file with the Supreme Court of Tennessee for its approval a list of students who are eligible for certification under this Rule and certify to the Supreme Court that such students meet the requirements of this Rule. Upon written approval by the Supreme Court of Tennessee of such students so selected and certified, such approved students shall be and are thereby authorized to provide legal services and/or appear in any municipal, county or state court on behalf of any person or entity financially unable to afford counsel, the state of Tennessee, or any municipality or county in the State of Tennessee in a manner consistent with the requirements of this rule.

(c) The Board shall approve a law school's clinical program and shall certify such approval to the Supreme Court of the State of Tennessee as a prerequisite for the approval of law students who are practicing under this Rule in a clinical setting. The criteria for approval shall be:

- (i) that the law school itself is approved under the foregoing sections of this Rule;
- (ii) that if the law school has an in-house legal clinic which directly represents clients, that the program has a full-time faculty member as director, who is an attorney licensed to practice law in Tennessee; and
- (iii) that the law school clinical program is otherwise operated in a manner consistent with the requirements of this rule.

Certification of approval of such law school clinical program may be withdrawn by the Board if the same ceases to meet this criterion.

(d) In the case of students working in a legal aid office, a Public Defender's Office, District Attorney's office, the office of the Attorney General of Tennessee, the office of the general counsel of any state agency, or the office of a municipal or county legal director, it shall be the responsibility of the director of clinical education or the dean of the law school to transmit to the legal aid office, Public Defender's Office, District Attorney's office, office of the Attorney General of Tennessee, office of the general counsel of any state agency, or the office of the municipal or county legal director the names of the students who are certified under this Rule.

(e) The written approval of such students by the Supreme Court of Tennessee shall be and remain in force and effect until the student graduates from law school or ceases to be enrolled in the law school.

[As amended by order filed February 13, 2003; by order filed June 2, 2006; and by order filed May 18, 2009.]

Explanatory Comments.

(1) The purpose of this Rule is educational; consequently, its focus is on providing opportunities for students to further their legal studies through properly supervised experiential education.

Interpretation of this Rule should be in accordance with its educational goal. (2) The term “approved law school” refers to any law school in the state of Tennessee that has been accredited by the ABA or any law school in the state of Tennessee approved under Rule 7 § 2.03 of this Court. (3) In order to provide consistency between three and four year law school programs, the Rule allows for certification of a student who has completed at least half of his or her law school studies. At a four year law school, a student is eligible for certification under this Rule after successful completion of two years of law school, while at a three year law school, a student is eligible after successful completion of three semesters.

(4) The term “provide legal services” is to be construed broadly, so as to allow a law student who is admitted under this Rule to provide any and all services that could be provided by a licensed attorney. Students admitted under this Rule may also appear in capacities such as guardian ad litem where the person whose interests are represented would qualify for appointed counsel.

(5) Students shall be personally and directly supervised by a clinical faculty member or legal aid lawyer, public defender, district attorney, assistant Attorney General, staff attorney for a state agency or staff attorney at a metropolitan legal office when appearing in court or tribunal; however, it is not necessary that the licensed attorney be personally present when the student engages in other activities such as interviewing, investigation and negotiation. It is, however, the responsibility of the licensed attorney to ensure that the student is properly supervised and instructed, including compliance with Rule of Professional Conduct 5.3.

(6) “Person or entity financially unable to afford counsel” includes all persons who would be termed “indigent” by a legal aid provider, all persons whom any court deems eligible for the appointment of counsel, as well as persons and organizations who have unsuccessfully attempted to secure legal counsel or who can otherwise demonstrate to the satisfaction of the clinic director that they cannot reasonably afford counsel. The term also encompasses any organization which is composed of a majority of persons who meet the federal definition of “indigency” as well as any not-for profit organization the purpose of which is to assist “indigent” persons.

(7) When the dean or director of clinical education certifies to the court that a student has met the conditions for admission under this Rule, the dean or director is certifying that the student is in good standing and has successfully completed sufficient credit hours to satisfy the minimum requirements for the second half of law school. A student will be deemed to have successfully completed the requisite amount of credits when he or she has been deemed to have passed (rather than simply have completed) sufficient courses.

(8) A law school clinical program includes a live-client clinic within the law school, an externship program operated by the law school - regardless whether it is a part of the legal clinic- or any other law school credit-bearing activity that involves the representation of clients.

(9) A student may be certified under this Rule and represent clients under the provisions of this Rule when working at a legal aid office, district attorney’s office, public defender’s office, office of the Attorney General of Tennessee, office of the general counsel of any state agency or the office of the director of a municipal or county law department whether or not the student is receiving law school

credit for that work. It is the responsibility of the dean or clinic director at the school at which the student is enrolled to ensure that the supervision provided by the legal aid office, public defender, district attorney, Attorney General, general counsel of a state agency or Metropolitan Legal office is adequate under the Rule.

(10) The terms director of a municipal or county law office or director of a municipal or county law department presume an office within the county or municipality which represents the county or municipality. For such an office to be recognized under this Rule, there must be at least one attorney in that office whose full-time employment is as the attorney for the municipality or county.

Explanatory Comment [2008].

Subsection 10.03(a) is amended so that, to be eligible to provide legal services under this section, a law student is no longer required to attend a law school located in the state of Tennessee. Rather the amendment extends the provisions of this section to students enrolled in any law school from which a graduate would be eligible to take the Tennessee Bar Examination.

**RULES AND REGULATIONS GOVERNING THE
PARTICIPATION OF QUALIFIED LAW STUDENTS
AND QUALIFIED UNLICENSED LAW SCHOOL GRADUATES
IN THE TRIAL OF CASES IN TEXAS**

I. PURPOSE:

These rules are promulgated pursuant to House Bill 424 of the 64th Legislature (Acts 1975, 64th Leg., Ch. 56, p. 120, amending Acts 1971, 62nd Leg., Ch. 706, p. 2336), for the purpose of governing the participation of qualified law students and qualified unlicensed law school graduates in the trial of cases in Texas. These rules are promulgated by the Bench and Bar of the State of Texas for the purposes of providing competent legal services for all persons and furnishing practical training to qualified law students and qualified unlicensed law school graduates.

II. QUALIFIED LAW STUDENTS AND QUALIFIED UNLICENSED LAW SCHOOL GRADUATES:

A. In order to perform the activities outlined in Paragraph IV. below, a person:

- (1) shall be a qualified law student enrolled in a law school approved by the Supreme Court of Texas, except that the student is not required to be enrolled during a summer term or when the school is not in session, or;
- (2) shall be a qualified unlicensed law school graduate as hereinafter defined;

B. A qualified law student must be certified by the dean of his/her school as having satisfactorily completed:

- (1) not less than two-thirds (2/3) of the required curriculum for graduation, computed on an hourly basis, and not be on scholastic probation, or;
- (2) not less than one-half (1/2) of the required curriculum for graduation, computed on an hourly basis, if the student is enrolled in a clinical legal education course for which course credit is awarded, and not be on scholastic probation.

C. A qualified unlicensed law school graduate must be certified by the dean of

his/her law school to be a graduate of an approved law school. The graduate may begin or continue supervised practice as herein provided during the interim between graduation and the first offering of the state bar examination after graduation from law school and during that period after taking the state bar examination for the first time, but prior to receiving the results of that examination.

- D. The qualified law student or the qualified unlicensed law school graduate shall:
- (1) Be certified by the dean of his/her law school that the dean has no knowledge of any fact or facts which preclude the student or graduate from meeting the qualifications to take the state bar examination;
 - (2) Certify in writing:
 - (a) That he/she has read and is familiar with the Texas Code of Professional Responsibility, and
 - (b) That he/she will abide by the Texas Code of Professional Responsibility in activities permitted by these rules, and
 - (c) That he/she is subject to the grievance procedures of the State Bar of Texas.

III. CERTIFICATION:

The dean of each law school shall maintain on file a record of the certification of each participating qualified law student and qualified unlicensed law school graduate, and shall file their names with the General Counsel of the State Bar of Texas. The dean shall terminate certification when conditions of Section II are not maintained. In addition, the dean may terminate certification at any time without prior notice or hearing and without any showing of cause. The dean shall notify the qualified law student or the qualified unlicensed law school graduate, the supervising lawyer, and the General Counsel of the State Bar in writing of any such termination of certification.

IV. ACTIVITIES:

- A. Subject to the approval of the presiding judge or presiding administrative officer, as the case may be, a qualified law student, or a qualified unlicensed law school graduate may appear in any court or before any administrative tribunal in this state on behalf of the State of Texas or any other party consenting thereto, subject to the following conditions:

- (1) The qualified law student or the qualified unlicensed law school graduate must be accompanied at his/her appearance in the following matters by a supervising attorney, qualified under Section V. herein, who is duly licensed to practice law in the State of Texas:
 - (a) Appearance for the purposes of trial of civil or criminal matters;
 - (b) The arguing of motions;
 - (c) The taking of depositions;
 - (d) The conduct of any hearing or trial before any administrative tribunal or in any court.
- (2) The qualified law student or the qualified unlicensed law school graduate need not be accompanied by the supervising lawyer in any other matters assigned to him/her by the supervising attorney. Nothing herein shall be construed as regulating or attempting to regulate the use of law clerks by attorneys in any and all matters generally considered to be the office practice of law.
- (3) All pleadings filed in any matter in which the qualified law student or the qualified unlicensed law school graduate is working shall be signed by the supervising attorney.

V. SUPERVISION:

- A. Except as otherwise provided herein, a lawyer who is supervising a qualified law student or qualified unlicensed law school graduate shall:
 - (1) Be a lawyer licensed by the Supreme Court of Texas for a minimum of three (3) years;
 - (2) Be registered in accordance with the provisions of Section VI hereof;
 - (3) Assume personal professional responsibility for the direct and immediate supervision for the professional work of the qualified law student or qualified unlicensed law school graduate;
 - (4) Maintain professional malpractice and errors and omissions insurance covering the supervised qualified law student and/or qualified unlicensed law school graduate, unless the lawyer is supervising the student or the graduate in the lawyer's official capacity as a public prosecutor or assistant public prosecutor or is a

lawyer otherwise protected by governmental immunity.

- (5) Supervise no more than four (4) persons qualified herein simultaneously;
 - (6) Demonstrate to the satisfaction of the General Counsel of the State Bar of Texas, by his/her personal affidavit or upon the certification of local bar officials, that he/she is skilled in the preparation and trial of cases.
- (B) A lawyer supervising a qualified law student in connection with a clinical legal education program for which the student earns law school course credit, or, a qualified unlicensed law school graduate in connection with matters commenced while the graduate was enrolled in a clinical legal education program for which he/she earned law school course credit, shall:
- (1) Be a lawyer licensed by the Supreme Court of Texas;
 - (2) Be registered in accordance with the provisions of Section VI hereof;
 - (3) Assume personal professional responsibility for the direct and immediate supervision for the professional work of the qualified law student or qualified unlicensed law school graduate.
 - (4) Maintain professional malpractice and errors and omissions insurance covering the supervised qualified law student and/or qualified unlicensed law school graduate, unless the lawyer is supervising the student or the graduate in the lawyer's official capacity as a public prosecutor or is a lawyer otherwise protected by governmental immunity.
 - (5) Be approved in writing by the dean of the law school sponsoring the clinical program as a clinical supervisor under whose supervision qualified law students are allowed to receive credit for satisfactory completion of the established course and clinical practice requirements.

VI. REGISTRATION:

- A. The General Counsel of the State Bar of Texas shall register lawyers who meet the requirements of these rules and are certified by local bar officials as qualified ethically, morally, professionally, and financially to direct and supervise qualified law students and qualified unlicensed law school graduates and give practical training in the trial of cases.

- B. Nothing herein shall be construed to effectively require any applicant-supervising attorney to become a member of any local bar without the attorney's consent.
- C. The General Counsel of the State Bar of Texas shall immediately revoke the registration of any supervising lawyer against whom any disciplinary action is pending before any grievance committee or court, or who has ceased to meet the requirements of Section VI.A. herein.

VII. GRIEVANCE:

In the event a grievance is filed in a case in which a qualified law student or a qualified unlicensed law school graduate has participated under these rules, the chairman of the grievance committee with whom such grievance is filed shall immediately report the same to the dean of the student's or graduate's law school, the supervising attorney, and the General Counsel of the State Bar of Texas.

VIII. COMPENSATION:

A qualified law student or a qualified unlicensed law school graduate shall not charge a client for his/her services or claim or receive a percentage fee, contingency fee, or origination fee; however, nothing in these rules is intended to prevent a qualified law student or a qualified unlicensed law school graduate from being paid for his/her services by his supervising lawyer, or to prevent a supervising lawyer from charging a fee for the services rendered under his/her supervision.

IX. MISCELLANEOUS:

- A. Nothing contained in these rules affects the right of any person who is not admitted to practice law to do anything that he might lawfully do prior to the adoption of these rules.
- B. The rules of law and evidence relating to privileged communications between attorney and client shall govern communications made or received by qualified law students or by qualified unlicensed law school graduates certified under the provisions of these rules.

Utah Supreme Court Rules of Professional Practice

Rule 14-807. Law student and law graduate legal assistance.

(a) The purpose of this rule is to provide eligible law school students and recent law school graduates with supervised practical training in the practice of law for a limited period of time and to assist the Bar and the judiciary to discharge their responsibilities to help create a legal system which helps provide access to those individuals of limited means.

(b) Subject to the inherent power of each judge to have direct control of the proceedings in court and the conduct of attorneys and others who appear before the judge, the courts of Utah are authorized to allow eligible law school students and recent graduates to participate in matters pending before them consistent with this rule.

(c) In order to be eligible to participate under this rule an individual must be either:

(c)(1) a law school student who must have completed legal studies amounting to at least four semesters or the equivalent if the school is not on a semester basis at an ABA approved law school; or

(c)(2) a law school graduate who must have graduated from an ABA approved law school and have submitted an application for admission to the Bar in time for the first regularly-scheduled bar examination after graduation.

(d) The law school student's or graduate's participation shall be limited to civil, misdemeanor or administrative cases.

(e) A law school student's or graduate's participation shall be under the direct and immediate personal supervision and in the presence of a resident attorney admitted to practice law before the court, except that the presence of the supervising attorney shall not be required at default divorce proceedings which are not contested and where the appearing party is represented by a non-profit public service legal agency.

(f) The supervising attorney is responsible for ensuring that the conduct of the law school student or graduate complies with this rule which includes verifying the participant's eligibility.

(g) A law school student's or graduate's participation shall be agreed to by written stipulation of counsel for all parties to the action and filed in the case file.

(h) Before participating under this rule, a law school graduate shall:

(h)(1) provide the Bar's admissions office with the name of his or her supervising attorney; and

(h)(2) provide the Bar's admissions office with a signed and dated authorization to release information to the supervising attorney regarding the graduate's Bar applicant status; and

(h)(3) provide the Bar's admissions office with a signed and dated letter from the supervising attorney stating that he or she has read this rule and agrees to comply with its conditions.

(i) A law school student shall not receive any compensation or remuneration of any kind from the client on whose behalf the services are rendered.

(j) A law school student's or graduate's eligibility to provide services under this rule terminates upon the earlier occurrence of:

(j)(1) cessation of enrollment unless by reason of graduation in the case of a law school student;
or

(j)(2) in the case of a law school graduate:

(j)(2)(A) failure to submit a timely application for admission under (c)(2);

(j)(2)(B) the Bar's admissions office's or its character and fitness committee's decision to disallow the graduate to take the first regularly-scheduled bar examination;

(j)(2)(C) notification of the graduate's failure to successfully pass the first regularly-scheduled bar examination; or

(j)(2)(D) the graduate's failure to be admitted to practice at the first regularly-scheduled admission ceremony.

Rules for Admission to the Bar of the Vermont Supreme Court

§ 13. Appearance in court by interns; authorized activities; eligibility; supervision; limitations

(a) An eligible intern may appear as legal counsel before the Vermont Supreme Court, Environmental Court or any Superior, District, Family, or Probate Court under the following conditions:

- (1) The written consent of the client has been filed with the court; and
- (2) The written consent of a supervising attorney has been filed with the court; and
- (3) The written agreement of the intern to be bound in the matter by the Rules of Professional Conduct has been filed with the court; and
- (4) The court has, in the exercise of its discretion granted permission, and said permission has not been revoked; and
- (5) The supervising attorney has filed with the Court a certificate that he or she has in force professional liability insurance that will cover the actions of the intern.

The permission of a court pursuant to this section to appear as legal counsel shall authorize the intern to prepare and, with the signature of a supervising attorney, to sign, motions, petitions, answers, briefs, and other documents in connection with the pending matter, and to conduct before said court any argument, trial, or other hearing in the pending matter.

(b) To be an eligible intern pursuant to this section, an individual must:

- (1)
 - (A) be pursuing the study of law and be enrolled in good standing at an approved law school, as that phrase is defined by § 6(h)(2) of these rules, and
 - (B) have completed the study of law for at least four semesters, or the equivalent thereof, in such a school; or
- (2)
 - (A) have graduated from an approved law school, as that phrase is defined by § 6(h)(2) of these rules, and
 - (B) be in the process of completing the period of three months law office study prescribed by § 6(i)(1), or, having completed said period of law office study, be awaiting review by the Character and Fitness Committee or admission to the Bar of the Vermont Supreme Court at the next earliest opportunity; or
- (3)
 - (A) have completed three years of law office study pursuant to § 6(g)(1) or one year of law office study pursuant to § 6(j), and
 - (B) be in the process of completing the final year of such law office study, or having completed law office study, be registered for the next bar examination, awaiting review by the Character and Fitness Committee or admission to the Bar of the Vermont Supreme Court at the next earliest opportunity; or
- (4)
 - (A) be eligible for admission to the Bar of the Supreme Court of Vermont on motion under § 7 of these rules, or

(B) have applied for admission under § 7 and be awaiting review by the Character and Fitness Committee or admission to the Bar of the Vermont Supreme Court at the earliest opportunity.

(c) To be an eligible intern pursuant to this section the individual must have satisfactorily completed a course in evidence, or, in the case of those who are pursuing the study of law in the office of an attorney, have completed a systematic study of evidence as certified by the attorney who is supervising the law office study.

(d) Notwithstanding any other provision of this section, no person may be deemed an eligible intern who has sat for the Vermont Essay Examination or the Multistate Bar Examination, has received a grade on either examination and has not, following the second administration of such examinations, thereafter obtained a passing grade on all sections of the Vermont Bar Examination (including the Multistate Professional Responsibility Examination).

In its discretion, the Board of Bar Examiners may for good cause shown waive the foregoing limitation. No person may be deemed an eligible intern who has been denied admission to the Bar of the Vermont Supreme Court for failure to establish good moral character or fitness.

(e) An attorney who supervises an intern shall:

- (1) Be an attorney admitted to practice in this State who has been admitted to practice before this Court not less than three years prior to the supervision;
- (2) Assume personal professional responsibility for the intern's work;
- (3) Assist the intern as needed;
- (4) Introduce the intern to the court at his or her first appearance before the court;
- (5) Appear with the intern at all court appearances involving a contested matter; and
- (6) Appear with the intern at all other court appearances unless the attorney's presence is expressly waived by the court and the client's written consent includes consent to appearance by the intern without the presence of the supervising attorney.

(f) The supervising attorney, the attorney's law firm or other employer may charge the client a legal fee which reflects the intern's services, and may compensate the intern. This section shall not be construed to authorize a fee splitting agreement between the supervising attorney and the intern, nor shall it be construed to authorize the direct employment of an intern by the client.

The Virginia State Bar

Professional Guidelines

15. Third Year Student Practice Rule—

- (a) Activities.
 - (i) An eligible law student may, in the presence of a supervising lawyer, appear in any court or before any administrative tribunal in this Commonwealth in any civil, criminal or administrative matter on behalf of any person if the person on whose behalf he is appearing has indicated in writing his consent to that appearance. The eligible law student must obtain written approval from the court or administrative tribunal prior to any appearance before the court or administrative tribunal.
 - (ii) An eligible law student may also, in the presence of a supervising lawyer, appear in any criminal matter on behalf of the Commonwealth with the written approval of the prosecuting attorney or his authorized representative, provided the student obtains the written authorization from the court or administrative tribunal prescribed in paragraph (a)(i) of this Rule.
 - (iii) The written consent and approval of the person or entity on whose behalf the student appears 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.
- (b) Requirements and Limitations.

In order to qualify pursuant to this Rule, the law student must:

- (i)
 - (a) Be duly enrolled and in good standing in a law school that is approved by the American Bar Association, but if such school is located in another state that permits law student practice, only if such other state permits a student of a law school in this State to engage in such practice; or
 - (b) Be duly enrolled in a program of study in the office of an attorney as authorized in subdivision 2. of §54.1-3926, Code of Virginia, and in accordance with the Rules of the Virginia Board of Bar Examiners.
- (ii)
 - (a) Have completed satisfactorily legal studies amounting to at least four semesters, or the equivalent if the school is on a basis other than a semester basis; or

- (b) Be certified by the Virginia Board of Bar Examiners as being in the final year of a program of study in the office of an attorney as authorized in subdivision 2. of §54.1-3926, Code of Virginia, and in accordance with the Rules of the Virginia Board of Bar Examiners.
 - (iii) Be certified by the dean of his law school, or by the attorney under whom he is studying in the case of a law reader, as being of good character and competent ability, and as having completed satisfactorily a course or program of study in each of the following: criminal law, professional ethics, evidence and procedure.
 - (iv) Be introduced to the court or agency in which he is appearing by an attorney admitted to practice in that court or agency.
 - (v) Neither ask for nor receive any compensation or remuneration of any kind for his services from the person on whose behalf he renders services but this shall not prevent a lawyer or law firm, legal aid bureau, public defender agency, or the Commonwealth from paying compensation to the eligible law student, nor shall it prevent charges by a lawyer or law firm for such services as may otherwise be proper.
- (c) Certification.

The certification of a student by Virginia Board of Bar Examiners, the law school dean or the attorney under whom the student is studying in compliance with Paragraph 15 (b)(ii) and (iii) above:

- (i) Shall be filed with the Executive Director of the Virginia State Bar and, unless it is sooner withdrawn, shall remain in effect until the expiration of eighteen months after it is filed, or until the announcement of the results of the first examination be given by the Virginia Board of Bar Examiners following the student's graduation or completion of the program of study, whichever date is earlier. Thereafter, the certification shall lapse and be of no further force and effect.
 - (ii) May be withdrawn by the Board, dean or attorney under whom the student is studying at any time by mailing a notice to that effect to the Executive Director of the Virginia State Bar. It is not necessary that the notice state the cause for withdrawal.
- (d) Supervision.

The supervising attorney under whose supervision an eligible law student performs any of the activities permitted by this Rule (Paragraph) 15 shall:

- (i) Be an active member of the Virginia State Bar who practices before, and whose service as a supervising lawyer for this program is approved by, each court or administrative body in which the eligible law student engages in limited practice.
- (ii) Assume personal professional responsibility for the student's guidance in any work undertaken and for supervising the quality of the student's work.

- (iii) Assist the student in his preparation to the extent the supervising lawyer considers it necessary.
 - (iv) The approval of the court designated in (a)(i) or (d)(i) may be withdrawn at any time without stating the cause for withdrawal.
- (e) Miscellaneous.

Nothing contained in this Rule (Paragraph) shall affect the right of any person who is not admitted to practice law to do anything that he might lawfully do before the adoption of this Rule (Paragraph).

Updated: December 20, 2009

Washington Admission to Practice Rule 9
LEGAL INTERNS

(a) Admission to Limited Practice. Qualified law students, enrolled law clerks, and graduates of approved law schools may be admitted to the status of legal intern and be granted a limited license to engage in the practice of law only as provided in this rule. To qualify, an applicant must:

- (1) Be a student duly enrolled and in good academic standing at an approved law school with legal studies completed amounting to not less than two-thirds of a prescribed 3-year course of study or five-eighths of a prescribed 4-year course of study, and have the written approval of the applicants law school dean or a person designated by such dean; or
- (2) Be an enrolled law clerk in compliance with the provisions of rule 6 with not less than five-eighths of the prescribed 4-year course of study completed, and have the written approval of the tutor; or
- (3) Make the application before the expiration of 9 months following graduation from an approved law school, and submit satisfactory evidence thereof for the Bar Association; and
- (4) Pay such fees as may be set by the Board of Governors with the approval of the Supreme Court; and
- (5) Certify in writing under oath that the applicant has read, is familiar with, and will abide by, the Rules of Professional Conduct and this rule.

(b) Procedure. The applicant shall submit an application, for which no fee shall be required, on a form provided by the Bar Association, setting forth the applicants qualifications.

- (1) The application shall give the name of, and shall be signed by, the supervising lawyer who, in doing so, shall assume the responsibilities of supervising lawyer set forth in this rule if the applicant is granted a limited license as a legal intern. The supervising lawyer shall be relieved of such responsibilities upon the termination of the limited license or at an earlier time if the supervising lawyer or the applicant gives written notice to the Bar Association and the Supreme Court requesting that the supervising lawyer be so relieved. In the latter event another active member of the Bar Association may be substituted as such supervising lawyer by giving written notice of such substitution, signed by the applicant and by such other active member, to the Bar Association and the Supreme Court.
- (2) Upon receipt of the application, it shall be examined and evaluated by the Board of Governors which shall endorse thereon its approval or disapproval and forward the same to the Supreme Court.

(3) The Supreme Court shall issue or refuse the issuance of a limited license of a legal intern. The Supreme Courts decision shall be forwarded to the Bar Association, and the applicant shall be informed of the Supreme Courts decision.

(c) Scope of Practice. A legal intern shall be authorized to engage in the limited practice of law, in civil and criminal matters, only as authorized by the provisions of this rule. A legal intern shall be subject to the Rules of Professional Conduct and the Rules for Enforcement of Lawyer Conduct as adopted by the Supreme Court and to all other laws and rules governing lawyers admitted to the Bar of this state, and shall be personally responsible for all services performed as an intern. Upon recommendation of the Disciplinary Board, a legal intern may be precluded from sitting for the bar examination or from being admitted as a member of the Bar Association within the discretion of the Board of Governors. Any such intern barred from the bar examination or from recommendation for admission by the Board of Governors shall have the usual rights of appeal to the Supreme Court.

(1) A judge may exclude a legal intern from active participation in a case filed with the court in the interest of orderly administration of justice or for the protection of a litigant or witness, and shall thereupon grant a continuance to secure the attendance of the supervising lawyer.

(2) No legal intern may receive payment from a client for the interns services. However, nothing contained herein shall prevent a legal intern from being paid for services by the interns employer or to prevent the employer from making such charges for the service of the legal intern as may otherwise be proper. A legal intern and the interns supervising lawyer or a lawyer from the same office shall, before the intern undertakes to perform any services for a client, inform the client of the legal interns status.

(3) A legal intern may advise or negotiate on behalf of a person referred to the intern by the supervising lawyer. A legal intern may prepare necessary pleadings, motions, briefs or other documents. It is not necessary in such instances for the supervising lawyer to be present.

(4) A legal intern may participate in superior court and Court of Appeals proceedings, including depositions, provided the supervising lawyer or another lawyer from the same office is present. Ex parte and agreed orders may be presented to the court by a legal intern without the presence of the supervising lawyer or another lawyer from the same office. An intern may represent the State in juvenile court in misdemeanor and gross misdemeanor cases without in-court supervision after a reasonable period of in-court supervision, which shall not be less than one trial.

(5) Except as otherwise provided in subsection (c)(6), in courts of limited jurisdiction, a legal intern, only after participating with the supervising lawyer in at least one nonjury case, may try nonjury cases in such courts without the presence of a supervising lawyer and, only after participating with the supervising lawyer in at least one jury case, may try jury cases in such courts without the presence of a supervising lawyer.

(6) Either the supervising lawyer or a lawyer from the same office shall be present in the representation of a defendant in all preliminary criminal hearings.

(d) Supervising Lawyer. The supervising lawyer shall be an active member of the Bar Association in good standing, provided that if a disciplinary sanction has been imposed upon the lawyer within the 5 years immediately preceding approval of the application, the Board of Governors shall have the discretion to accept or reject the lawyer as a supervising lawyer. The supervising lawyer shall have been actively engaged in the practice of law in the State of Washington or elsewhere for at least 3 years at the time the application is filed.

(1) The supervising lawyer or another lawyer from the same office shall direct, supervise and review all of the work of the legal intern and both shall assume personal professional responsibility for any work undertaken by the legal intern while under the lawyer's supervision. All pleadings, motions, briefs, and other documents prepared by the legal intern shall be reviewed by the supervising lawyer or a lawyer from the same office as the supervising lawyer. When a legal intern signs any correspondence or legal document, the intern's signature shall be followed by the title "legal intern" and, if the document is prepared for presentation to a court or for filing with the clerk thereof, the document shall also be signed by the supervising lawyer or lawyer from the same office as the supervising lawyer. In any proceeding in which a legal intern appears before the court, the legal intern must advise the court of the intern's status and the name of the intern's supervising lawyer.

(2) Supervision shall not require that the supervising lawyer be present in the room while the legal intern is advising or negotiating on behalf of a person referred to the intern by the supervising lawyer, or while the legal intern is preparing the necessary pleadings, motions, briefs, or other documents.

(3) As a general rule, no supervising lawyer shall have supervision over more than 1 legal intern at any one time. However, in the case of (i) recognized institutions of legal aid, legal assistance, public defender and similar programs furnishing legal assistance to indigents, or legal departments of a state, county or municipality, the supervising lawyer may have supervision over 2 legal interns at one time, or (ii) a clinical course offered by an approved law school where such course has been approved by its dean and is directed by a member of its faculty, and conducted within institutions or legal departments described in (i) or the law school, each full-time clinical supervising lawyer may have supervision over 10 legal interns at one time provided a supervising lawyer attends all adversarial proceedings conducted by the legal interns.

(4) A lawyer currently acting as a supervising lawyer may be terminated as a supervising lawyer at the discretion of the Board of Governors. When an intern's supervisor is so terminated, the intern shall cease performing any services under this rule and shall cease holding himself or herself out as a legal intern until written notice of a substitute

supervising lawyer, signed by the intern and by the new and qualified supervising lawyer, is given to the Bar Association and to the Supreme Court.

(5) The failure of a supervising lawyer, or lawyer acting as a supervising lawyer, to provide adequate supervision or to comply with the duties set forth in this rule shall be grounds for disciplinary action pursuant to the Rules for Enforcement of Lawyer Conduct.

(6) For purposes of the attorney-client privilege, an intern shall be considered a subordinate of the lawyer providing supervision for the intern.

(7) For purposes of the provisions of this rule which permit a lawyer from the same office as the supervising lawyer to sign documents or be present with a legal intern during court appearances, the lawyer so acting must be one who meets all of the qualifications for becoming a supervising lawyer under this rule.

(e) Term of Limited License. A limited license as a legal intern shall be valid, unless revoked, for a period of not more than 24 consecutive months, provided that a person shall not serve as a legal intern more than 12 months after graduation from law school.

(1) The approval given to a law student by the law school dean or the dean's designee or to a law clerk by the tutor may be withdrawn at any time by mailing notice to that effect to the Clerk of the Supreme Court and to the Bar Association, and shall be withdrawn if the student ceases to be duly enrolled as a student prior to graduation or ceases to be in good academic standing or if the law clerk ceases to comply with rule 6.

(2) A limited license is granted at the sufferance of the Supreme Court and may be revoked at any time upon the courts own motion, or upon the motion of the Board of Governors, in either case with or without cause.

(3) An intern shall immediately cease performing any services under this rule and shall cease holding himself or herself out as a legal intern

(i) upon termination for any reason of the interns limited license under this rule;

or

(ii) upon the resignation of the interns supervising lawyer; or

(iii) upon the suspension or termination by the Board of Governors of the supervising lawyers status as supervising lawyer; or

(iv) upon the withdrawal of approval of the intern pursuant to this rule.

[Adopted effective Jun 4, 1970; amended effective May 21, 1971; February 29, 1972; December 31, 1973; December 31, 1976; January 1, 1977; January 1, 1979; January 1, 1981; November 2, 1981; September 1, 1984; October 1, 1985; October 11, 1985; November 29, 1991; September 1, 1994; June 2, 1998; October 1, 2002.]

West Virginia

Rules for Admission to the Practice of Law

RULE 10.0. RULE RELATIVE TO LEGAL ASSISTANCE BY LAW STUDENTS TO PERSONS UNABLE TO PAY FOR LEGAL SERVICES.

(a) *General purpose.* The bench and the bar are primarily responsible for providing competent legal services for all persons, including those unable to pay for these services. As one means of providing assistance to lawyers who represent clients unable to pay for such services, and to encourage law schools and supervising attorneys to provide clinical instruction in trial work of varying kinds, the following rule is adopted.

(b) *Scope of rule.* An eligible law student may appear, with a supervising attorney, in any court or before any administrative tribunal in this State on behalf of the State of West Virginia or any indigent person if the person on whose behalf the student is appearing has indicated in writing his or her consent to that appearance and the supervising lawyer has also indicated in writing approval of that appearance, in the following matters:

(1) *Civil matters.* In civil actions or cases, the supervising lawyer shall be required to be personally present.

(2) *Criminal and other matters.* In all criminal and related matters, the supervising lawyer must be personally present throughout the proceedings and shall be fully responsible for the manner in which they are conducted. This provision shall apply to all matters in which the minimum due process requirements approximate the requirements of criminal cases. When a student represents the State, the supervising lawyer shall be the prosecuting attorney or his or her designated assistant prosecuting attorney.

(c) *Filing of written consent.* 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.

[As amended by order entered November 21, 1997, effective January 1, 1998.]

RULE 10.1. REQUIREMENTS AND LIMITATIONS.

In order to make an appearance pursuant to this rule, the law student must:

(a) Be enrolled in a law school approved by the American Bar Association, or its equivalent, or have graduated from such school within the last six months, provided the student complies with Rule 10.2(a).

(b) Have completed legal studies amounting to at least four (4) semesters or the equivalent if the school is on some basis other than a semester basis.

(c) Demonstrate that he or she is in good academic standing or was in such standing at the time of graduation, has not been convicted of a crime involving moral turpitude or a felony, and has not been subjected to honor code discipline by the law school.

(d) Be introduced to the court in which the student is appearing by the supervising lawyer who shall be admitted to practice by the West Virginia Supreme Court of Appeals.

(e) Neither ask for nor receive any compensation or remuneration of any kind for his or her services from the person on whose behalf the services are rendered, 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.

(f) Certify in writing that he or she has read and is familiar with, and will be governed in the conduct of his or her activities under this rule by the Code of Professional Responsibility adopted by this Court.

[As amended by order entered November 21, 1997, effective January 1, 1998.]

RULE 10.2. CERTIFICATION.

The law school dean or his or her designee shall certify that the student has complied with 10.1(a), (b) and (c), and the certification:

(a) Shall be filed with the Clerk of the Supreme Court of Appeals and, unless it is sooner withdrawn, it shall remain in effect until June 15th for a student sitting for the February bar examination, until November 15th for a student sitting for the July bar examination, until a student has been notified that he or she has not achieved a passing score on the bar examination, or until the student has been licensed to practice law in the courts of this State and has registered as a member of the West Virginia State Bar, whichever is earlier. In order to be eligible for appearance under this rule, the law student must sit for the bar examination immediately following his or her graduation from law school. Nothing in this Rule shall be construed to allow or permit a student to appear, participate or engage in activities beyond those described in Rules 10.0, et seq., and, particularly, as described in Rules 10.0(b) and 10.3(a) and (b).

(b) May be withdrawn by the dean by mailing a notice to that effect to the Clerk of the Court.

(c) May be terminated by the Court. Notice of the termination shall be filed with the Clerk of the Court.

[As amended by order entered November 29, 1989, effective January 1, 1990; by order entered June 26, 1990, effective August 1, 1990; by order entered May 16, 1991, effective May 16, 1991; and by order entered June 24, 1992, effective July 1, 1992.]

RULE 10.3. OTHER ACTIVITIES.

(a) An eligible law student may engage in other activities, under the supervision of a member of the bar of the 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 signed 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. 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 or she 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.

RULE 10.4. SUPERVISION.

The member of the Bar under whose supervision an eligible law student does any of the things permitted by this rule shall:

(a) Be a lawyer in good standing in the West Virginia State Bar.

(b) Assume personal professional responsibility for work undertaken by the student.

(c) Assist the student in his or her preparation to the extent the supervising lawyer considers it necessary.

(d) Not undertake the supervision of more than two eligible law students at the same time unless the supervising lawyer is a regularly appointed faculty member of a law school approved by the American Bar Association and the eligible students are enrolled for academic credit in a course taught by such faculty member at the time.

(e) Be responsible for monitoring the eligible student's activities to ensure that participation by the student in the practice of law is limited to that outlined in Rule 10.0(b).

[As amended by order entered June 24, 1992, effective July 1, 1992.]

RULE 10.5. MISCELLANEOUS.

Nothing contained in the rule shall affect the right of any person who is not admitted to practice law to do anything that he or she might lawfully do prior to the adoption of this rule.

Wisconsin Supreme Court Rules
CHAPTER 50
PRACTICAL TRAINING OF LAW STUDENTS

JUDICIAL COUNCIL COMMITTEE'S NOTE, 1979: The following rules, called the rules for practical training of law students, govern law students receiving practical training in Wisconsin. These rules were originally adopted by the supreme court on December 19, 1975, effective January 15, 1976. They were amended on December 23, 1977. The rules were originally numbered I to VIII and have been clarified and numbered SCR 50.01 to 50.08 for uniformity and convenience. Former Rule III B relating to a law student affiliate member of the state bar of Wisconsin has been repealed as that type of membership no longer exists.

SCR 50.01 Citation of rules.

This chapter may be cited and referred to as the "rules for practical training of law students."

SCR 50.02 Place of filing.

All documents required to be filed with the clerk of the supreme court and the state bar by these requirements shall be filed at their respective offices in Madison, Wisconsin.

SCR 50.03 Requirements and limitations.

- (1) In order to engage in the activities permitted by these rules a law student:
 - (a) Shall be regularly enrolled in a law school in this state approved by the American bar association.
 - (b) Shall have completed legal studies amounting to at least one-half of the requirements for a law degree.
 - (c) Shall have been certified by the dean of his or her law school as having complied with the provisions of par. (b), as being qualified in ability, training and character to participate in the activities permitted by these rules, and approve the student's participation under the supervision of a named supervising lawyer or lawyers and the certificate shall not have been withdrawn or terminated.
- (2) A student at a law school in another state approved by the American bar association may engage in the activities authorized by this chapter under the following conditions:
 - (a) The student complies with this chapter except sub. (1)(a) and the requirement of sub. (1)(c) that the dean's certificate name the supervising lawyer.
 - (b) The student must be supervised by a lawyer who is approved 192 under SCR 50.05 by the dean of a law school in Wisconsin to supervise students of the dean's law school.

SCR 50.04 Form and duration of certification.

The certification of a student by the law school dean:

- (1) Shall be filed with the supreme court and the state bar, on a form furnished by the clerk of the supreme court and unless sooner withdrawn or terminated, the certification shall remain in effect until the expiration of 16 months after it is filed or until the student has been admitted to practice in this state, whichever is earlier.

(2) May be withdrawn by the dean at any time without hearing and without any showing of cause and shall be withdrawn by the dean if the student ceases to be regularly enrolled as a student prior to his or her graduation, by sending by certified mail a notice to that effect to the clerk of the supreme court, to the state bar, to the supervising attorney and to the student. The notice need not state any cause for withdrawal.

(3) May be canceled by the supreme court at any time, without notice of cause and the student denied permission to participate in the program.

SCR 50.05 Supervision.

A supervising lawyer shall:

- (1) Be an active member of the state bar and approved by the dean of the law school where the student is enrolled; provided a regular member of the faculty of a law school in this state may supervise students under this chapter if admitted to practice in another state pending action on his or her application for admission to practice in this state.
- (2) Supervise no more than 5 students concurrently, provided that a lawyer devoting more than 20 hours per week to the supervision and education of clinical students for which he or she is taking responsibility under these rules (as distinct from time devoted to providing service to his or her client or clients) may supervise up to 10 students who are devoting no more than 20 hours per week to the clinical program.
- (3) Assume personal professional responsibility for any work undertaken by the student while under his or her supervision.
- (4) Assist and counsel with the student in the activities mentioned in these rules and review the activities with the student, all to the extent required for the proper practical training of the student and the protection of the client.
- (5) Read, approve and personally sign any pleadings or other papers prepared by the student prior to the filing thereof and read and approve any documents which are prepared by the student for execution by any person or persons not a member or members of the state bar prior to submission thereof for execution.
- (6) Before commencing supervision of any student, file with the state bar a notice in writing signed by him or her stating the name of the student, the period or periods during which he or she expects to supervise the activities of the student and that the supervising lawyer will adequately supervise the student in accordance with this chapter.
- (7) Notify the state bar in writing promptly if his or her supervision of the student ceases.
- (8) File with the dean of the student's law school at least semiannually a statement of the types of activities engaged in by the student.

SCR 50.06 Activities authorized.

(1) A student may engage in the following activities only under direct and immediate supervision and with the approval of a supervising lawyer and only if the client on whose behalf he or she acts shall have approved in writing the performance of those acts by the student. Such activities must be part of the clinical program of the law school.

(2) In this rule:

- (a) "Client" means any ultimate recipient of legal services.

(b) "Direct and immediate supervision" means (except as to matters tried under chapter 799 of the statutes) that the lawyer shall be present with the student at each time during the trial, hearing or proceeding in which the student engages in activities which would be unauthorized but for this chapter, except for those times when very routine actions take place (including when representing one charged with a misdemeanor, such action as a request for continuance or a plea of not guilty on first appearance, but not including, when representing one charged with a felony, such actions as an arraignment or a bail argument) if the judge or other presiding officer and the client agree with the lawyer beforehand the lawyer's presence is unnecessary.

(3) The following activities are authorized:

(a) Appearing on behalf of the client in the name of the supervising lawyer in any public trial or hearing or proceeding pertaining thereto in a court, a tribunal or before any public agency, referee, commissioner or hearing officer.

(b) Counseling with and giving legal advice to a client in the presence of the supervising attorney, except as otherwise provided in this rule.

SCR 50.07 Activities requiring general supervision.

(1) This chapter does not prevent a law student under the general supervision of a lawyer from performing acts on behalf of the lawyer such as those customarily performed by law clerks in law offices before January 1, 1979.

(2) In this rule, "general supervision" means supervision in accordance with SCR 50.05(3) to (5). The activity may be undertaken by any law student without compliance with SCR 50.03 and by any active member of the state bar without approval by the dean of the law school under SCR 50.05(1) and without compliance with SCR 50.05(2), (6), (7) and (8).

SCR 50.08 Compensation.

A law student shall neither ask for nor receive any compensation or remuneration of any kind for his or her services from the client on whose behalf he or she renders services, but this does not prevent a lawyer, an organization having an established legal department, any nonprofit organization rendering legal aid to indigent persons or any public agency from paying compensation on a salaried or hourly basis to an eligible law student or a law school from awarding scholarships or fellowships to an eligible law student.

Amended April 26, 1982.

Rules of the Supreme Court of Wyoming Providing for the Organization and Government of the Bar Association and Attorneys at Law of the State of Wyoming

Rule 12. Law students' right to practice law.

(a) Definitions. -

(1)

"Eligible law student" means a person who:

(i)

is duly enrolled in any law school accredited by the American Bar Association; is in the period between semesters and in good standing; or is a graduate thereof during the time prior to announcement of the results of the first bar examination given after such graduation;

(ii)

has been certified to the Wyoming Supreme Court by the dean of such law school as having satisfactorily completed at least four (4) semesters of legal studies, and to be of good character and competent legal ability; and

(iii)

has filed an affidavit with the Wyoming Supreme Court that the student will comply with the ethical standards set forth in the Rules of Professional Conduct for Attorneys at Law.

(2)

"General supervision" means furnishing assistance and exercising direction and control of the legal activities of the student, accompanied by personal and professional responsibility for guidance and quality of work prepared by the supervised student.

(3)

"Indigency Committee" means a committee of eight (8) members of the Wyoming State Bar, four (4) to be appointed by the Supreme Court and four (4) to be appointed by the President of the Albany County Bar Association.

(4)

"Practice of law" means advising others and taking action for them in matters connected with law. It includes preparation of legal instruments and acting or proceeding for another before judges, courts, tribunals, commissioners, boards or other governmental agencies.

(b) Conditions. -

(1)

An eligible law student may engage, as an intern, in the practice of law under the general supervision of an active member of the Wyoming State Bar, other than a professor of the law school, conditioned as follows:

(i)

The person to be represented consents in writing to legal assistance to be provided by the student;

(ii)

The supervising lawyer shall be present whenever the law student appears before any court, tribunal, commission, board or other governmental agency of the state unless such presence shall be waived in each instance by such court, tribunal, commission, board or other governmental agency;

(iii)

A lawyer shall not supervise more than three (3) students at any one time;

(iv)

If the student is an intern with the public defender (directly or indirectly), attorney general, legal services corporation or similar entity, the student shall be under the general supervision of a specific lawyer employed by such entity.

(2)

An eligible law student may engage, as an intern, in the practice of law for indigent persons only under the general supervision of a professor of law designated for such by the Dean of the University of Wyoming Law School, conditioned as follows:

(i)

The person to be represented consents in writing to legal assistance to be provided by the student;

(ii)

The supervising professor shall be present in court in any criminal matter in which the indigent has the right to the assignment of counsel under any constitutional provision, statute, or rule of this court; but the designated supervisor need not be personally present in court in other matters, civil or criminal, when the indigent person consents thereto in writing and with approval of the court in which the matter is pending;

(iii)

The person to be represented shall meet the income-and-asset criteria within the poverty guidelines of a legal services corporation in Wyoming; such person shall furnish information relative to such criteria under oath;

(iv)

Neither the student nor the supervising professor shall ask for or receive any compensation or remuneration of any kind for the services rendered to the indigent, except that supervising professors may receive their regular pay from the University of Wyoming Law School.

(3)

An eligible law student may engage, as an intern, in the practice of law under the Prosecution Assistance Program of the University of Wyoming Law School only under the general supervision of a member of the Wyoming State Bar who is also representing the state or a governmental agency or subdivision thereof, conditioned as follows:

(i)

The matter involved is a criminal matter or a civil matter related to a criminal matter, e.g. licensing, etc.;

(ii)

The supervising attorney shall be present in court during the time such matter is being presented to the court, provided that the court may permit the student to act without the presence of the supervising attorney.

(4)

A person studying law in the office of a member of the Wyoming State Bar pursuant to W.S. 33-5-105 (1977) may engage as an intern in the practice of law under the general supervision of the lawyer under whom the person is studying, conditioned as follows:

(i)

The student has:

(A)

satisfactorily completed one (1) year of office legal studies as prescribed by the Board of Law Examiners and satisfactorily completed two (2) semesters of legal studies or the equivalent thereof in a law school approved by the American Bar Association; or

(B)

satisfactorily completed two (2) years of office legal studies as prescribed by the Board of Law Examiners and be enrolled in the University of Wyoming Law School;

(ii)

The student has been certified to this court by the supervising lawyer to be in compliance with subdivision (b)(4)(i), and to be of good character and competent legal ability;

(iii)

The student has filed an affidavit with this court as an agreement to comply with the ethical standards set forth in the Rules of Professional Conduct for Attorneys at Law;

(iv)

The person to be represented consents in writing to legal assistance to be provided by the student;

(v)

The supervising lawyer shall be present whenever the student appears before any court, tribunal, commission, board or other governmental agency of the state, and such appearance shall not be waived by such court, tribunal, commission, board or other governmental agency;

(vi)

A lawyer shall not supervise more than one (1) student at any one (1) time.

(c)

Certification by the dean of the law school or by a supervising lawyer under whom a student is studying pursuant to W.S. 33-5-105 (1977) may be withdrawn without cause upon notice of such to this court; and this court may terminate the practice of law by any student at any time without hearing or showing of cause.

(Amended November 12, 1991, effective February 11, 1992.)