

# 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.)*