

## **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been granted a legal intern license prior to applying for licensure in Idaho and, if such legal intern license has ever been revoked, the date and reasons for the revocation; and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    - (A) The dean's written approval may be withdrawn at any time by written notice from the law school dean or designee to the Clerk of the Supreme Court and the Executive Director; and
    - (B) If the Applicant is currently a law student, such approval shall be withdrawn if the student ceases to be duly enrolled prior to graduation or ceases to be in good academic standing;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.