

Rules Adopted by the Supreme Court of Kansas

Rules Relating to Admission of Attorneys

Rule 719

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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.]