

## 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.]