

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.