

**RULES AND REGULATIONS GOVERNING THE
PARTICIPATION OF QUALIFIED LAW STUDENTS
AND QUALIFIED UNLICENSED LAW SCHOOL GRADUATES
IN THE TRIAL OF CASES IN TEXAS**

I. PURPOSE:

These rules are promulgated pursuant to House Bill 424 of the 64th Legislature (Acts 1975, 64th Leg., Ch. 56, p. 120, amending Acts 1971, 62nd Leg., Ch. 706, p. 2336), for the purpose of governing the participation of qualified law students and qualified unlicensed law school graduates in the trial of cases in Texas. These rules are promulgated by the Bench and Bar of the State of Texas for the purposes of providing competent legal services for all persons and furnishing practical training to qualified law students and qualified unlicensed law school graduates.

II. QUALIFIED LAW STUDENTS AND QUALIFIED UNLICENSED LAW SCHOOL GRADUATES:

A. In order to perform the activities outlined in Paragraph IV. below, a person:

- (1) shall be a qualified law student enrolled in a law school approved by the Supreme Court of Texas, except that the student is not required to be enrolled during a summer term or when the school is not in session, or;
- (2) shall be a qualified unlicensed law school graduate as hereinafter defined;

B. A qualified law student must be certified by the dean of his/her school as having satisfactorily completed:

- (1) not less than two-thirds (2/3) of the required curriculum for graduation, computed on an hourly basis, and not be on scholastic probation, or;
- (2) not less than one-half (1/2) of the required curriculum for graduation, computed on an hourly basis, if the student is enrolled in a clinical legal education course for which course credit is awarded, and not be on scholastic probation.

C. A qualified unlicensed law school graduate must be certified by the dean of

his/her law school to be a graduate of an approved law school. The graduate may begin or continue supervised practice as herein provided during the interim between graduation and the first offering of the state bar examination after graduation from law school and during that period after taking the state bar examination for the first time, but prior to receiving the results of that examination.

- D. The qualified law student or the qualified unlicensed law school graduate shall:
- (1) Be certified by the dean of his/her law school that the dean has no knowledge of any fact or facts which preclude the student or graduate from meeting the qualifications to take the state bar examination;
 - (2) Certify in writing:
 - (a) That he/she has read and is familiar with the Texas Code of Professional Responsibility, and
 - (b) That he/she will abide by the Texas Code of Professional Responsibility in activities permitted by these rules, and
 - (c) That he/she is subject to the grievance procedures of the State Bar of Texas.

III. CERTIFICATION:

The dean of each law school shall maintain on file a record of the certification of each participating qualified law student and qualified unlicensed law school graduate, and shall file their names with the General Counsel of the State Bar of Texas. The dean shall terminate certification when conditions of Section II are not maintained. In addition, the dean may terminate certification at any time without prior notice or hearing and without any showing of cause. The dean shall notify the qualified law student or the qualified unlicensed law school graduate, the supervising lawyer, and the General Counsel of the State Bar in writing of any such termination of certification.

IV. ACTIVITIES:

- A. Subject to the approval of the presiding judge or presiding administrative officer, as the case may be, a qualified law student, or a qualified unlicensed law school graduate may appear in any court or before any administrative tribunal in this state on behalf of the State of Texas or any other party consenting thereto, subject to the following conditions:

- (1) The qualified law student or the qualified unlicensed law school graduate must be accompanied at his/her appearance in the following matters by a supervising attorney, qualified under Section V. herein, who is duly licensed to practice law in the State of Texas:
 - (a) Appearance for the purposes of trial of civil or criminal matters;
 - (b) The arguing of motions;
 - (c) The taking of depositions;
 - (d) The conduct of any hearing or trial before any administrative tribunal or in any court.
- (2) The qualified law student or the qualified unlicensed law school graduate need not be accompanied by the supervising lawyer in any other matters assigned to him/her by the supervising attorney. Nothing herein shall be construed as regulating or attempting to regulate the use of law clerks by attorneys in any and all matters generally considered to be the office practice of law.
- (3) All pleadings filed in any matter in which the qualified law student or the qualified unlicensed law school graduate is working shall be signed by the supervising attorney.

V. SUPERVISION:

- A. Except as otherwise provided herein, a lawyer who is supervising a qualified law student or qualified unlicensed law school graduate shall:
 - (1) Be a lawyer licensed by the Supreme Court of Texas for a minimum of three (3) years;
 - (2) Be registered in accordance with the provisions of Section VI hereof;
 - (3) Assume personal professional responsibility for the direct and immediate supervision for the professional work of the qualified law student or qualified unlicensed law school graduate;
 - (4) Maintain professional malpractice and errors and omissions insurance covering the supervised qualified law student and/or qualified unlicensed law school graduate, unless the lawyer is supervising the student or the graduate in the lawyer's official capacity as a public prosecutor or assistant public prosecutor or is a

lawyer otherwise protected by governmental immunity.

- (5) Supervise no more than four (4) persons qualified herein simultaneously;
 - (6) Demonstrate to the satisfaction of the General Counsel of the State Bar of Texas, by his/her personal affidavit or upon the certification of local bar officials, that he/she is skilled in the preparation and trial of cases.
- (B) A lawyer supervising a qualified law student in connection with a clinical legal education program for which the student earns law school course credit, or, a qualified unlicensed law school graduate in connection with matters commenced while the graduate was enrolled in a clinical legal education program for which he/she earned law school course credit, shall:
- (1) Be a lawyer licensed by the Supreme Court of Texas;
 - (2) Be registered in accordance with the provisions of Section VI hereof;
 - (3) Assume personal professional responsibility for the direct and immediate supervision for the professional work of the qualified law student or qualified unlicensed law school graduate.
 - (4) Maintain professional malpractice and errors and omissions insurance covering the supervised qualified law student and/or qualified unlicensed law school graduate, unless the lawyer is supervising the student or the graduate in the lawyer's official capacity as a public prosecutor or is a lawyer otherwise protected by governmental immunity.
 - (5) Be approved in writing by the dean of the law school sponsoring the clinical program as a clinical supervisor under whose supervision qualified law students are allowed to receive credit for satisfactory completion of the established course and clinical practice requirements.

VI. REGISTRATION:

- A. The General Counsel of the State Bar of Texas shall register lawyers who meet the requirements of these rules and are certified by local bar officials as qualified ethically, morally, professionally, and financially to direct and supervise qualified law students and qualified unlicensed law school graduates and give practical training in the trial of cases.

- B. Nothing herein shall be construed to effectively require any applicant-supervising attorney to become a member of any local bar without the attorney's consent.
- C. The General Counsel of the State Bar of Texas shall immediately revoke the registration of any supervising lawyer against whom any disciplinary action is pending before any grievance committee or court, or who has ceased to meet the requirements of Section VI.A. herein.

VII. GRIEVANCE:

In the event a grievance is filed in a case in which a qualified law student or a qualified unlicensed law school graduate has participated under these rules, the chairman of the grievance committee with whom such grievance is filed shall immediately report the same to the dean of the student's or graduate's law school, the supervising attorney, and the General Counsel of the State Bar of Texas.

VIII. COMPENSATION:

A qualified law student or a qualified unlicensed law school graduate shall not charge a client for his/her services or claim or receive a percentage fee, contingency fee, or origination fee; however, nothing in these rules is intended to prevent a qualified law student or a qualified unlicensed law school graduate from being paid for his/her services by his supervising lawyer, or to prevent a supervising lawyer from charging a fee for the services rendered under his/her supervision.

IX. MISCELLANEOUS:

- A. Nothing contained in these rules affects the right of any person who is not admitted to practice law to do anything that he might lawfully do prior to the adoption of these rules.
- B. The rules of law and evidence relating to privileged communications between attorney and client shall govern communications made or received by qualified law students or by qualified unlicensed law school graduates certified under the provisions of these rules.