

STATE OF MINNESOTA  
IN SUPREME COURT  
ADM-09-8002

OFFICE OF  
APPELLATE COURTS

APR 23 2009

FILED

**ORDER AMENDING THE STUDENT  
PRACTICE RULES**

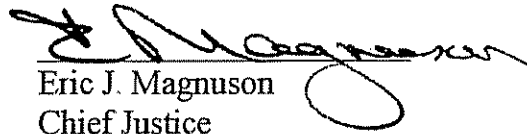
The Minnesota State Bar Association, in a petition filed on January 29, 2009, proposed amendments to the Student Practice Rules. This Court asked for public comment on the proposed amendments in an order filed on February 13, 2009.

This Court has reviewed the proposed amendments and is fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED that effective this date the attached amendments to the Student Practice Rules are prescribed and promulgated.

DATED: April 23 2009

BY THE COURT:

  
Eric J. Magnuson  
Chief Justice

## **RULE 3. STUDENT OBSERVATION OF PROFESSIONAL ACTIVITIES**

### **Rule 3.01. Observation of Professional Activities**

An eligible law student may, under the supervision of a member of the bar, observe any and all professional activities of a member of the bar, including client communications. Communications between the client and the student shall be privileged under the same rules that govern the attorney-client privilege and work product doctrine, and the presence of the student during communications between the lawyer and client shall not, standing alone, waive these evidentiary privileges.

The law student's observation must be part of an academic program or a course for academic credit.

### **Rule 3.02. Eligible Law Students**

An eligible law student is one who:

- (1) is duly enrolled at the time of original certification in a school of law in Minnesota approved by the American Bar Association;
- (2) has been certified by the dean or designee of the law school as being of good academic standing;
- (3) has signed a statement certifying that the student will maintain the confidentiality that a lawyer is required to maintain under Rule 1.6 of the Minnesota Rules of Professional Conduct; and
- (4) has been identified as a student and accepted by the client.

### **Rule 3.03. Certification**

Certification of a student by the law school shall be filed with the Supreme Court for approval. Written notification of approval shall be provided to the law school. The certification shall remain in effect for twelve (12) months after the date filed. Law students may be recertified for additional twelve-month periods. Certification shall terminate sooner than twelve (12) months upon the occurrence of the following events:

- (1) Certification is withdrawn by the dean by mailing notice to that effect to the law student and the Supreme Court along with the reason(s) for such withdrawal;
- (2) Certification is terminated by the Supreme Court by mailing a notice to that effect to the law student and to the dean along with the reason(s) for such termination;
- (3) The student does not take the first bar examination following his or her graduation, upon which the certification will terminate on the first day of the exam;

(4) The student takes but fails in the bar examination, upon which the certification will terminate upon notice to the dean and the law student of such failure; or

(5) The student takes and passes the bar examination and is admitted to the bar of this court.

**Rule 3.04. Supervisory Attorney**

The attorney who supervises a student under Rule 3 shall:

(1) be a member of the bar of this court;

(2) assume personal professional responsibility for and supervision of the student's conduct;

(3) be present with the student during all interactions with the client; and

(4) report to the law school supervisor for the academic program or course as required by the law school supervisor.

**Rule 3.05. Miscellaneous**

Nothing contained in this rule shall affect the existing rules of this court or 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. Any student enrolled in any school of law approved by the American Bar Association who otherwise meets the qualifications of this rule may petition this Court for the rights provided by this rule.