

STATE OF MINNESOTA

IN SUPREME COURT

IN RE STUDENT PRACTICE
RULES

ORDER OF PROMULGATION

A-7

WHEREAS it was proposed that the Supreme Court adopt proposed Student Practice Rules,

WHEREAS a public hearing on said proposal was held before this Court in the Supreme Court, State Capitol Building, Saint Paul, Minnesota on Friday, April 9, 1982, at 9 a.m.,

WHEREAS this Court has given due consideration to said proposal,

NOW, THEREFORE, IT IS HEREBY ORDERED that the attached rules be adopted.

Dated: May 24 1982.

BY THE COURT



Chief Justice

SUPREME COURT

FILED

MAY 24 1982

JOHN McCARTHY
CLERK

Rule 1. - General Student Practice

1.01 Representation:

An eligible law student not enrolled in a law school clinical program may, under the supervision of a member of the bar, perform all functions that an attorney may perform in representing and appearing on behalf of any state, local, or other government unit or agency, or any indigent person who is a party to a civil action or who is accused of a crime, or a petty misdemeanor.

1.02 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 completed at the time of original certification legal studies equivalent to at least two semesters of full-time study;

(3) has been certified by the state, local, or other government unit or agency, or organization or persons representing indigents as being a paid or unpaid intern working for said unit, agency, organization, or persons;

(4) has been certified by the dean or designee of the law school as being of good academic standing; and

(5) has been identified as a student and accepted by the client.

1.03 Certification:

The state, local, or other government unit or agency or organization or persons representing indigent clients shall submit in writing to the student's law school the student's name and a statement that the student will be properly supervised under the provisions of this practice rule. The student's law school shall then certify the student's academic standing and file this certification 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 occurrences of the following events:

(1) Certification is withdrawn by the unit, agency, organization, or person by mailing notice to that effect to the law student, the law school, and the Supreme Court along with the reason(s) for such withdrawal:

(2) Certification is terminated by the Supreme Court by mailing notice to that effect to the law student, the law school, and the unit, agency, organization or person along with the reason(s) for such termination.

(3) Certification shall terminate upon the student being placed on academic probation;

(4) 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;

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

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

1.04 Supervisory Attorney

The attorney who supervises a student shall:

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

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

(3) assist the student to the extent necessary;

(4) sign all pleadings;

(5) appear with the student in all trials;

(6) appear with the student at all other proceedings unless the attorney deems his or her personal appearance unnecessary to assure proper supervision. This authorization shall be made in writing and shall be available to the judge or other official conducting the proceedings upon request.

1.05 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.

Rule 2 - Clinical Student Practice

2.01 Representation:

An eligible law student may, under the supervision of a member of the bar, perform all functions that an attorney may perform in representing and appearing on behalf of a client.

2.02 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 completed at the time of original certification legal studies equivalent to at least two semesters of full-time study;

(3) is enrolled at the time of original certification in a law school clinical program;

(4) has been certified by the dean or designee of the law school as being of good academic standing; and

(5) has been identified as a student and accepted by the client.

2.03 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 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.

2.04 Supervisory Attorney:

The attorney who supervises a student shall:

- (1) be a member of the bar of this court;
- (2) assume personal professional responsibility for and supervision of the student's work;
- (3) assist the student to the extent necessary;
- (4) sign all pleadings;
- (5) appear with the student in all trials;
- (6) appear with the student at all other proceedings unless the attorney deems his or her personal appearance unnecessary to assure proper supervision. This authorization shall be made in writing and shall be available to the judge or other official conducting the proceedings upon request.

2.05 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.