No. ____________

OFFICE OF
APPELLATE COURTS
JAN 29 2009
FILED

STATE OF MINNESOTA
IN SUPREME COURT

In re:

Proposed Amendments to Student Practice Rules

PETITION OF MINNESOTA STATE BAR ASSOCIATION

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TO THE MINNESOTA SUPREME COURT:

Petitioner Minnesota State Bar Association ("MSBA") respectfully requests that the Minnesota Supreme Court adopt proposed Minnesota Student Practice Rule 3 (Student Observation of Professional Activities), which will allow students to observe lawyers conducting professional activities with clients, including private lawyer-client communications without destroying the privileged nature of communications in the professional setting.

Proposed Rule 3.01 states that:

> 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.[1]

The proposed rule would permit law students to observe a broader spectrum of the functions of the legal profession, thereby improving the caliber of legal education and legal services provided in the future.

In support of this Petition, the MSBA would show the following:

1. The MSBA is a not-for-profit corporation made up of attorneys admitted to practice law before this Court and lower courts throughout the State of Minnesota.

2. This Court has the exclusive and inherent power and duty to adopt rules governing the conduct of law students and attorneys in the practice of their profession. *See Sharood v. Hatfield*, 296 Minn. 416, 424, 210 N.W.2d 275, 279 (1973). This power

[1] The full text of the rule is provided in Appendix A

has been expressly recognized by the Minnesota Legislature. *See* MINN. STAT. § 480.05 (2006). The statute provides:

> The Supreme Court shall have all the authority necessary for carrying into execution its judgments and determinations, and for the exercise of its jurisdiction as the supreme judicial tribunal of the state, agreeable to the usages and principles of law Such court shall prescribe, and from time to time may amend and modify, rules of practice therein and also rules governing the examination and admission to practice of attorneys at law and rules governing their conduct in the practice of their profession, and rules concerning the presentation, hearing, and determination of accusations against attorneys at law not inconsistent with law, and may provide for the publication thereof at the cost of the state.

3. In the exercise of its power to regulate the profession, this Court has propounded the Student Practice Rules ("the Rules").

4. This Court also has primary responsibility under the separation of powers doctrine for the regulation of evidentiary matters and matters of trial and appellate procedure. *State v. Losh*, 721 N.W.2d 886, 891 (Minn. 2006) (quoting *State v Lindsey*, 632 N.W.2d 652, 658 (Minn. 2001); *State v Olson*, 482 N.W.2d 212, 215 (Minn. 1992)); *State v Erickson*, 589 N.W.2d 481, 485 (Minn. 1999)(recognizing this court's power not only to promulgate court rules, but also to "suspend the exercise of those rules where appropriate to ensure the proper administration of justice"). This authority over procedural matters is derived from the court's inherent judicial powers. *Id.*

5. The authority to promulgate and suspend trial rules includes the authority to regulate evidentiary privileges. In *State v. Gianakos*, 644 N.W.2d 409, 416 n.10 (Minn. 2002), this Court stated:

> While we acknowledge that the legislature has taken steps to limit the power of the court with respect to certain evidentiary issues, including privileges (see, e.g., Minn. Stat. §480.0591, subd. 6(a) (2000); Minn. R. Evid. 501), it is clear that the judicial branch has ultimate and final authority in such matters. *See, e.g.*, *State v. Johnson*, 514 N.W.2d 551, 553-54 (Minn. 1994) (stating that "[d]etermination of procedural matters

is a judicial function."); *State v. Willis*, 332 N.W.2d 180, 184 (Minn. 1983) (noting that the court has inherent authority to establish the rules of evidence); *see also State v. Larson*, 453 N.W.2d 42, 46 n.3 (Minn. 1990) (opposing the lower courts' characterization of the legislature as the "primary regulator of evidentiary matters"), *vacated on other grounds*, 498 U.S. 801, 111 S. Ct. 29, 112 L.Ed.2d 7 (1990); *State v. Leecy*, 294 N.W.2d 280, 283 (Minn.1980)(observing that marital privilege statute had not been superseded by court rule).

6 The attorney-client and work-product privileges in Minnesota law have their genesis in rules, statutes and this Court's precedent. The attorney-client privilege was created by the court as a common law privilege. *See In re Koenig's* Estate, 78 N.W.2d 364, 368 (Minn. 1956)(observing that attorney-client privilege existed at common law). The attorney-client privilege was later codified in Minn. Stat. § 595.02, subd. 1(b) (2000), which provides: "An attorney cannot, without the consent of the attorney's client, be examined as to any communication made by the client to the attorney or the attorney's advice given thereon in the course of professional duty; nor can any employee of the attorney be examined as to the communication or advice, without the client's consent."

7. This Court has supplemented the statutory definition as follows: "(1) Where legal advice of any kind is sought (2) from a professional legal adviser in his capacity as such, (3) the communications relating to that purpose, (4) made in confidence (5) by the client, (6) are at his instance permanently protected (7) from disclosure by himself or by the legal adviser, (8) except the protection be waived." 8 John Henry Wigmore, Evidence § 2292, at 554 (1961)(quoted in *Kobluk v. Univ. of Minn.*, 574 N.W.2d 436, 440 (Minn. 1998)). The attorney-client privilege exists "'to encourage the client to confide openly and fully in his attorney without fear that the communications will be divulged and to enable the attorney to act more effectively on behalf of his

client.'" *Kobluk*, 574 N.W.2d at 440 (quoting *Nat'l Texture Corp. v. Hymes*, 282 N.W.2d 890, 896 (Minn. 1979)).

8. This Court has exercised its authority to establish how the attorney-client privilege applies in various contexts. *See, e.g., Minneapolis Star & Tribune Co. v. Hous. & Redev. Auth.*, 310 Minn. 313, 323, 251 N.W.2d 620, 625 (1976)(establishing privilege in the context of proceedings subject to the Open Meeting Law); *Prior Lake American v. Mader*, 642 N.W.2d 729 (Minn. 2002) (establishing scope of attorney-client privilege in light of legislature's adoption of an attorney-client privilege exception to the Open Meeting law.)

9. In addition, the Court has adopted procedural rules that touch upon privilege. For example, in 2000, this Court, in an Appendix to Rule 114 of the Minnesota General Rules of Practice, adopted a set of rules applicable to alternative dispute resolution qualified neutrals entitled "Code of Ethics Enforcement Procedure." Rule V(A) of the Code addresses privilege and Rule V(B) addresses immunity. Under these rules, statements made during an ethics proceeding under the Code are "absolutely privileged" and participants in the review process are "immune from suit" for any conduct in the course of their official duties.

10. Similarly, the "work product" privilege is governed both by a procedural rule and case law. Minn. R. Civ. P. 26.02(c) provides:

> [A] party may obtain discovery of documents * * * prepared in anticipation of litigation or for trial by or for another party or by or for that other party's representative (including the other party's attorney * * *) only upon a showing that the party seeking discovery has substantial need of the materials in the preparation of the party's case and that the party is unable without undue hardship to obtain the substantial equivalent of the materials by other means. In ordering discovery of such materials when the required showing has been made, the court shall protect against

disclosure of the mental impressions, conclusions, opinions, or legal theories of an attorney or other representative of a party concerning the litigation.

11. "Work product" is defined in case law as an attorney's mental impressions, trial strategy, and legal theories in preparing a case for trial. *Dennie v. Metro. Med. Ctr.*, 387 N.W.2d 401, 406 (Minn.1986) (citations omitted).

Law Students Are Often Unprotected by Evidentiary Privileges.

12. Under current case law, communications between an attorney and client are not protected by the attorney-client and work product privileges if the communication occurs in the presence of a third person who is not necessary to the communication. *State v. Rhodes*, 627 N.W.2d 74, 85 (Minn. 2001). Thus, the privileges are arguably not preserved when a law student observes a communication between an attorney and the attorney's client because the law student is not "essential" to the communication.[2]

13. In Minnesota, the only case that has dealt with this issue is *State v. Lender*, in which a law graduate, who had not yet been admitted, interviewed a client in the course and scope of his legal employment and then asserted attorney client privilege on her behalf.[3] The Court held that the communication could not be privileged because the law graduate was not a licensed attorney. Although the Court noted that courts in other states had applied the privilege to unlicensed lawyers, in those cases the client had been

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[2] 8 JOHN H. WIGMORE, EVIDENCE IN TRIALS AT COMMON LAW § 2300 at 581(8th ed. 1961) ('[A] mere student at law, aspiring to future entrance to the profession, is without the privilege, however much legal skill he may possess in comparison with some of those who are within it.")(citing *Andrews v. Soloman*, 1 Fed. Cas. 899, 901 (No. 378) (C.C. Pa. 1816); *Barnes v. Harris*, 61 Mass. (7 Cush.) 576 (1851); *Schubakagel v. Dierstein*, 131 Pa. 46, 54, 18 Alt. 1059, 1060 (1890); *Holman v. Kimball*, 22 Vt. 555 (1850)). For a detailed analysis of the intersection between law students and the attorney-client privilege, *see* Ursula H. Weigold, *The Attorney-Client Privilege as an Obstacle to the Professional and Ethical Development of Law Students*, 33 PEPP. L. REV. 677 (2006).

[3] 266 Minn. 561, 564, 124 N.W.2d 355, 358 (1963).

deceived as to the status of the lawyer. The Court in *Lender* refused to extend the privilege where the client had not been deceived.[4]

14. As a result, under current law, law students have limited access to opportunities to observe the attorney-client relationship. Three potential opportunities currently exist: student representation of clients under the student practice rules, the creation of an agency relationship between a law student and a lawyer who represents a client, and employment as a clerk by a legal employer.

15. The first opportunity exists under the current Minnesota Student Practice Rules. Under the Rules, a student may "represent" clients after two semesters of full-time study.[5] Minnesota's Student Practice Rule 1 allows students to "perform all functions that an attorney may perform in representing and appearing on behalf of any state, local or other government entity 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" under the supervision of a member of the bar.[6] Minnesota's Student Practice Rule 2 allows clinical students to "perform all functions that an attorney may perform in representing and appearing on behalf of a client" under the supervision of a member of the bar.[7] Rule 1 excludes large segments of our profession, and Rule 2 is limited to those enrolled in a clinic. Clinics, both an excellent and expensive undertaking, have limited enrollment and a finite timeline. Thus, under the current paradigm of the student practice rules, this opportunity is limited.

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[4] *See also* PAUL R. RICE, ATTORNEY-CLIENT PRIVILEGE IN THE UNITED STATES § 3:17 at 60 (2d ed. 1999) ("Communications with a law student may be protected by the attorney-client privilege if the client is genuinely mistaken as to the student's credentials.")

[5] *See* MINN. STUDENT PRACTICE R. 1.01, MINN STUDENT PRACTICE R. 2.01

[6] *Id.* R. 1.01.

[7] *Id.* R. 2.02

16 Moreover, it is not even clear that the privilege is preserved when students represent clients under the current Rules. Even though commentators have suggested that communications between students and clients should be privileged under these rules,[8] those communication would arguably not be privileged under *Lender*.

17. The second opportunity may be taken by law students who are "essential" or "necessary" to the attorney-client relationship. They may be afforded the privilege under an agency relationship theory.[9] Agents are persons "reasonably necessary"[10] to effective communications between an attorney and the client.[11] A student might, for example, assist the attorney with the client conference by taking detailed notes so that the attorney is free to focus complete attention on the client, or perform some other necessary task at the direction of the attorney, such as formulating issues, clarifying facts, or listing matters to be investigated based on the conversation. An agency relationship will not, however, extend the privilege to a law student who is observing a client meeting solely for educational purposes.

18. The third opportunity is available to students who are employed under the supervision of a lawyer. Minnesota, like two other states, has adopted a statute that

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[8] *See, e g ,* RICE, *supra* note 4, at 60 ("Although the issue has not been litigated, because the purpose of the privilege is to ensure more informed, and therefore more accurate, legal advice from the attorney by encouraging more open communication from the client, and the students are authorized to render that advice, the attorney-client privilege should be as applicable to communications between the student attorneys and their clients as it is between duly licensed attorneys and the same clients ").

[9] RICE, *supra* note 4 The agency relationship theory involving a law student has never been tested in the courts, and Minnesota does not have a rule specifically applying the privilege in this situation

[10] RICE, *supra* note 4, at 26-27 ("Although the courts have never expressly established a threshold of need for assistance that must exist before communications with agents of an attorney are subject to the protection of the attorney-client privilege, the assistance has been referred to in opinions with such adjectives as 'necessary,' 'needed,' 'indispensable,' 'required,' and 'highly useful ' It has also been suggested that agents' communications might only be protected if they 'would not have been made but for the client's need for legal advice or services.'").

[11] RICE, *supra* note 4; *see also* Weigold, *supra* note 2, at 716-17

extends the attorney-client privilege specifically to "employees" of the attorney.[12] The statute provides: "nor can any employee of the attorney be examined as to the communication or advice, without the client's consent."[13] Of course, the privilege does not cover students who are not employed by lawyers.

19. Because these opportunities are available only to a limited number of students each year, the proposed rule would broaden the opportunities for other students to observe such activities. Proposed Rule 3 will assure that these opportunities are more generally available by insuring that student observation of professional activities will not destroy the privileged nature of communications in a professional setting.

Other Courts Have Adopted Similar Rules.

20. The supreme courts of Arizona, Massachusetts, Ohio, Texas and Washington have adopted rules similar to the proposed Rule to enable students to observe attorney-client activities without danger of destroying the attorney-client privilege. *See* Ariz. Sup. Ct. R. 38(d)(9)(D) ("The rules of law and of evidence relating to privileged communications between attorney and client shall govern communications made or received by professors or students certified under the provisions of this rule. All persons participating in a program of instruction pursuant to which a professor or student is certified under this rule are enjoined not to disclose privileged or confidential communications whether in the implementation of a course of instruction or otherwise."); Mass. Sup. Jud. Ct., Order Implementing Supreme Judicial Court Rule 3:03 ("The rules of law and of evidence relating to privileged communications between attorney and client shall govern communications made or received by any student acting under the

[12] Weigold, *supra* note 2, at 715 (explaining that the other two states are Kansas and New York)
[13] *Id*

provisions of Rule 3:03."); Ohio Sup. Ct., Government of the Bar Rule II, (5)(E)("The communications of the client to the legal intern shall be privileged under the same rules that govern the attorney-client privilege."); Tex. Sup. Ct., Rules and Regulations Governing the Participation of Qualified Law Students and Qualified Unlicensed Law School Graduates in the Trial of Cases in Texas, Rule IX.(B)(5)(E)("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."); Wash. Sup. Ct. R. 9(d)(6) ("For purposes of the attorney-client privilege, an intern shall be considered a subordinate of the lawyer providing supervision for the intern.")

Legal Education Should Be Improved.

21. If the privilege is not extended as proposed, most attorneys would refuse to allow students to observe their communications with clients or to discuss case strategy with them, because they would not wish to risk the possibility that a student could be called as a witness to testify regarding these confidential communications. The exclusion of students from the opportunity to observe attorney-client communications interferes with the skill development and professional formation of new attorneys.[14] The exclusion prevents students from observing, analyzing, and internalizing some of the most

[14] *See, e.g.*, John Sonsteng & David Camaretto, *Minnesota Lawyers Evaluate Law Schools, Training and Job Satisfaction*, 26 WM. MITCHELL L. REV. 327, 334-39 (2000) (A survey of law graduates in Minnesota isolated seventeen different skill areas for successful practice. Far more than half of all respondents perceived these skills as important to practice, yet in nine of the seventeen areas, more than fifty percent of respondents did not believe they were well-prepared after graduation. Some of the most important areas in which law graduates perceived themselves as unprepared were negotiation, counseling, drafting legal documents, the ability to diagnose and plan solutions for legal problems, and the ability to obtain and keep clients.)

important professional skills associated with the administration of justice: navigating the attorney-client relationship.[15]

22 Lawyers are uniquely positioned to teach and model both skills and ethics to students in a way that cannot be replicated in the classroom. Because ethics in practice tends to be built on small decisions, rather than the dramatic conundrums often emphasized in the classroom, a lawyer is in a unique position to demonstrate ethical behavior through her daily actions and client interaction.[16] A student has an opportunity to learn to be an ethical practitioner by observing the daily choices made by lawyers.[17] The current lack of opportunity for law students to observe one of the most important relationships in the law leaves a gap in both legal education and the profession.

23. Indeed, legal education has often been criticized for the shortcomings of new lawyers. According to the groundbreaking MacCrate Report,[18] law students are widely perceived to be incapable of performing some of the essential functions of the profession upon their graduation from law school.[19] The steep learning curve that a new attorney faces when first entering practice has inspired concern about the educational methods being used in law schools.[20] Most recently, the Carnegie Foundation issued a carefully researched critique of legal education in *Educating Lawyers: Preparation for*

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[15] *See* Patrick Schiltz, *Legal Ethics in Decline: the Elite Law Firm, the Elite Law School, and the Moral Formation of a Novice Attorney*, 82 MINN. L. REV. 705, 709 (1998); Patrick Schiltz, *Making Ethical Lawyers*, S. TEX. L. REV. 875, 877-878 (2004) (argues that new lawyer professional formation is advanced through observing and dialoguing with senior lawyers who model ethical lawyering)

[16] *Id.*

[17] Schiltz, *supra* note 15, at 738.

[18] ABA SECTION OF LEGAL EDUCATION & ADMISSIONS TO THE BAR, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT AN EDUCATIONAL CONTINUUM: REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP (1992) (known as the "MacCrate Report" named for Robert MacCrate, Esq., chair of the taskforce).

[19] *Id.*

[20] *Id.*

the Profession of Law (the "Carnegie Report").[21] Like the MacCrate Report, the Carnegie Report comments on the state of American legal education and emphasizes the importance of an interdependent connection between professional education and the profession.

24. The Carnegie Report both identifies and analyzes legal education through three connection points, or frameworks, for apprenticeship:

1. The apprenticeship of cognition and substance;
2. The apprenticeship of practice and skills;
3. The apprenticeship of professional identity formation and values.[22]

25. In the area of cognitive and substance apprenticeship, or teaching students to "think like a lawyer," the report gives legal education high marks.[23] Traditionally, formal knowledge has been developed through the signature "case-dialogue" method. While the report recognizes the high priority of analytical thinking in preparing students to become lawyers, the report also notes that formal knowledge "often comes most fully alive for students when the power of legal analysis is manifested in the experience of legal practice."[24] Proposed Rule 3 provides the legal practice experience necessary for students to understand fully the implications of the ethical rules and aspirations.

26. The report raises concerns about the second framework, the apprenticeship of practice and skills. These skills encompass, among other things, legal research and writing, client relationship skills, negotiation, drafting, oral advocacy, and creative

[21] William M. Sullivan, et al., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW (2007).

[22] *Id.*

[23] *Id.* at 74-75.

[24] *Id.* at 13.

problem-solving.[25] The report notes that too many law schools incorporate practice skills as an "add-on" without integration.[26] In contrast to formal knowledge, the development of practice skills requires a student to "understand and intervene" in a particular context.[27] Allowing law students to observe lawyers interact with clients would advance the apprenticeship of practice and skills.

27. In the area of professional identity formation and values (sometimes described as "professionalism," "social responsibility," or "ethics"), the report gives legal education low marks.[28] The report identifies this third apprenticeship as the "catalyst for an integrated legal education"[29] and recommends that educators focus on it both more explicitly and more extensively.[30] In addition, legal education should instruct students in the purpose and attitudes that underlie professional values and not just teach students to meet the minimum requirements of the ethics rules.[31] Proposed Rule 3 advances professional identity formation by making it possible for students to observe authentic lawyering, coupled with substantive dialogue.

28. In sum, the Carnegie Report calls both legal educators and professionals to unite all three dimensions of law school education - cognitive, practice, and professional identity - in a unified framework. Proposed Rule 3 serves this purpose by meeting the need for all law students to observe the very heart of lawyering – the attorney-client relationship.

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[25] *Id.* at

[26] *Id.*

[27] *Id.* at 14.

[28] *Id.* at 132-133.

[29] *Id.*

[30] *Id.*

[31] *Id.*

The Profession Supports the Proposed Rule.

29. On January 18, 2008, the MSBA Professionalism Committee agreed to support the general idea of creating opportunities for law students to observe attorney-client communications. On February 1, 2008, when the deans of the four Minnesota law schools met to discuss changes to the student practice rules, all agreed that the idea was worth pursuing. A working group was formed including members of the MSBA Professionalism Committee and the MSBA Rules of Professional Conduct Committee. In addition, members from the following groups were involved in or kept apprised of the process of drafting the rule:

- Law school deans
- Minnesota Justice Foundation
- MSBA LAD Committee
- MSBA Professionalism Committee
- MSBA Rules of Professional Conduct Committee
- Office of Lawyers Professional Responsibility
- Minnesota Board of Law Examiners
- Law Schools Initiatives Committee (subcommittee of LAD)
- Law school clinical faculty
- Fred Grittner, Clerk of Appellate Courts
- A diverse group of practitioners

30. At the MSBA Convention, on June 17, 2008, the General Assembly approved seeking this Court's approval of Proposed Rule 3 of the Student Practice Rules. The MSBA now respectfully requests that this Court adopt Student Practice Rule 3, allowing for non-essential law student observation of attorney-client communications.

31. Adopting the Proposed Rule would create a more integrated framework for legal education and the profession and provide a far greater opportunity for law students to observe the attorney-client relationship during his or her legal education. Proposed Rule 3 bridges an important gap in the education of those aspiring to become

excellent attorneys. The profession expects excellence in new lawyers and legal education should play the primary role in delivering it.

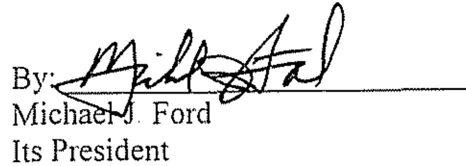
CONCLUSION

For the foregoing reasons, the MSBA respectfully requests that this Court amend the Student Practice Rules by adopting proposed Rule 3.

Dated: December __1__, 2008

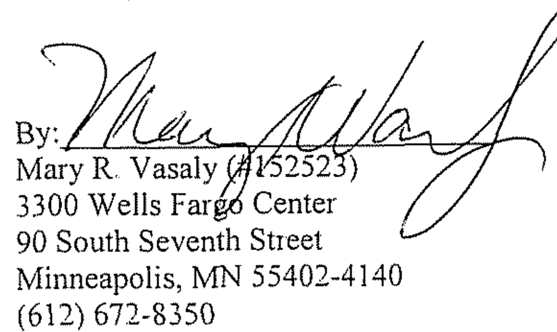
Respectfully submitted,

THE MINNESOTA STATE BAR ASSOCIATION



By: ______________________
Michael J. Ford
Its President

MASLON, EDELMAN, BORMAN AND BRAND, LLP



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APPENDIX

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 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.