

Student Practice Rules

Adopted May 24, 1982

With amendments received through August 6, 2013

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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 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.

(Amended effective August 6, 2013.)

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 Board of Law Examiners 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- (1) Certification is withdrawn by the unit, agency, organization, or person by mailing notice to that effect to the law student, the law school, and the Board of Law Examiners along with the reason(s) for such withdrawal;
- (2) Certification is terminated by the Board of Law Examiners 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.

(Amended effective August 6, 2013.)

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 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.

(Amended August 6, 2013.)

2.03 Certification

Certification of a student by the law school shall be filed with the Board of Law Examiners 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 12-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 Board of Law Examiners along with the reason(s) for such withdrawal;

- (2) Certification is terminated by the Board of Law Examiners 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 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.

(Amended effective August 6, 2013).

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.

(Added effective April 23, 2009.)

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 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.

(Added effective April 23, 2009.)

Rule 3.03 Certification

Certification of a student by the law school shall be filed with the Board of Law Examiners 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 Board of Law Examiners along with the reason(s) for such withdrawal;
- (2) Certification is terminated by the Board of Law Examiners 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 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.

(Added effective April 23, 2009.)

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.

(Added effective April 23, 2009.)

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.

(Amended effective August 6, 2013).