

1 **Rule 14-807. Law school student and law school graduate legal assistance.**

2 (a) **Purpose.** The purpose of this rule is to provide eligible law school students and  
3 recent law school graduates ("14-807 practitioners") with supervised practical training  
4 in the practice of law for a limited period ~~of time~~ and to assist the Bar and the judiciary  
5 in discharging their responsibilities to help create a just legal system that is accessible to  
6 all.

7 (b) **Law student and law school graduate authorization to practice law.** Subject to the  
8 inherent power of each judge to have direct control of the proceedings in court and the  
9 conduct of attorneys and others who appear before the judge, the courts of Utah are  
10 authorized to allow ~~eligible law school students and recent law school graduates~~14-807  
11 practitioners to participate in matters pending before them consistent with this rule.

12 (c) **Eligibility.** In order to be eligible to participate under this rule, an individual must  
13 be either:

14 (1) A law school student in good standing who has completed the first year of legal  
15 studies amounting to at least two semesters, or the equivalent if the school is not on  
16 a semester basis, at an ABA approved law school and is either:

17 (A) enrolled in a law school clinic or externship and supervised by an attorney  
18 authorized to practice law in the state of Utah; or

19 (B) volunteering for, or employed by, a tax-exempt or governmental agency or a  
20 for-profit entity, and supervised by an attorney who is authorized to practice law  
21 in the state of Utah; or

22 (2) A law school graduate who is working under the supervision of an attorney  
23 authorized to practice law in the state of Utah, has graduated from an ABA  
24 approved law school, and intends to submit an application to the Bar and take the  
25 Uniform Bar Examination (UBE) within one year after graduating from law school.

26 (d) **Permissible activities.** Subject to all applicable rules, regulations, and statutes, a ~~law~~  
27 ~~school student or law school graduate~~14-807 practitioner as defined ~~under in~~ this rule

28 may engage in the following activities, so long as the client and supervising attorney  
29 consent in writing to each activity, and the supervising attorney remains fully  
30 responsible for the manner in which the activities are conducted:

31 (1) negotiations under paragraph (e);

32 (2) depositions under paragraph (f);

33 (3) court and administrative hearing appearances under paragraph (g);

34 (4) post-conviction relief under paragraph (h); and

35 (5) other appropriate legal services under paragraph (i).

36 ~~(1e)~~ **Negotiations.** A 14-807 practitioner may Nnegotiate for and on behalf of the client,  
37 subject to final approval thereof by the supervising attorney, or give legal advice to the  
38 client, provided that the ~~law school student or law school graduate~~14-807 practitioner:

39 (A1) obtains the approval of the supervising attorney regarding the legal advice  
40 to be given or plan of negotiation to be undertaken by the law school student or  
41 law school graduate; and

42 (B2) performs the activities under the general supervision of the supervising  
43 attorney;

44 ~~(2f)~~ **Depositions.** A 14-807 practitioner may Aappear on behalf of the client in  
45 depositions, provided that the ~~law school student or law school graduate~~14-807  
46 practitioner:

47 (A1) has passed a course in evidence; and

48 (B2) performs the activity under the direct supervision and in the personal presence  
49 of the supervising attorney;

50 ~~(3g)~~ **Court and administrative hearing appearances.** A 14-807 practitioner may  
51 Aappear in any court or before any administrative tribunal in this state.

52 (1) In order to participate in any evidentiary hearing, ~~the a~~ law school student must  
53 have passed a course in evidence, and in the case of a criminal evidentiary hearing,  
54 must have also passed a course in criminal procedure.

55 (2) The supervising attorney's and the client's written consent and approval, along  
56 with the law school student's certification, must be filed in the record of the case and  
57 must be brought to the attention of the judge of the court or the presiding officer of  
58 the administrative tribunal.

59 (3) ~~In addition, the~~ 14-807 practitioner law school student or law school graduate  
60 must orally advise the court at the initial appearance in a case that he or she is  
61 certified to appear pursuant to this rule. A law school student or law school  
62 graduate may appear in the following matters:

63 (A) **Civil Matters.** In civil cases in any court, the supervising attorney is not  
64 required to be personally present in court if the person on whose behalf an  
65 appearance is being made consents to the supervising attorney's absence.

66 (B) **Felony or Class A Misdemeanor Criminal Matters on Behalf of the**  
67 **Prosecuting Authority.** In any felony or Class A misdemeanor prosecution  
68 matter in any court, the supervising attorney must be personally present  
69 throughout the proceedings.

70 (C) **Infraction or Class B or Class C Misdemeanor Criminal Matters on Behalf**  
71 **of the Prosecuting Authority.** In any infraction or Class B or Class C  
72 misdemeanor matter in any court with the written approval of the supervising  
73 attorney, the supervising attorney is not required to be personally present in  
74 court; however, the supervising attorney must be personally present during any  
75 Class B or Class C misdemeanor trial.

76 (D) **Felony or Class A Misdemeanor Criminal Defense Matters.** In any felony or  
77 Class A misdemeanor criminal defense matter in any court, the supervising  
78 attorney must be personally present throughout the proceedings.

79 (E) **Infraction or Class B or Class C Misdemeanor Criminal Defense Matters.** In  
80 any infraction or Class B or Class C misdemeanor criminal defense matter in any  
81 court, the supervising attorney is not required to be personally present in court,  
82 so long as the person on whose behalf an appearance is being made consents to  
83 the supervising attorney's absence; however, the supervising attorney must be  
84 personally present during any Class B or Class C misdemeanor trial.

85 (F) **Appellate Oral Argument.** In any appellate oral argument, the supervising  
86 attorney must be personally present and the court must give specific approval  
87 for the ~~law school student's or law school graduate's~~14-807 practitioner's  
88 participation in that case.

89 (G) **Appellate Pleadings.** If a 14-807 practitioner substantially aids in the  
90 preparation of written materials in an appellate case, including briefs and  
91 memoranda, the supervising attorney may, at his or her discretion, credit the 14-  
92 807 practitioner by including the practitioner's name on the filing below the  
93 supervising attorney's name. The name of the 14-807 practitioner may appear on  
94 the cover of the brief or other paper below the name of any licensed attorney  
95 appearing on the matter and must indicate that the person is a 14-807  
96 practitioner.

97 ~~(G)(4)~~ Notwithstanding the terms of ~~paragraph (dg)~~(3), the court may at any time  
98 and in any proceeding require the supervising attorney to be personally present for  
99 such period and under such circumstances as the court may direct.

100 (4h) **Post-conviction relief.** A 14-807 practitioner may Pprovide assistance to indigent  
101 inmates of correctional institutions or other persons who request such assistance in  
102 preparing applications and supporting documents for post-conviction relief, except  
103 when the assignment of counsel in the matter is required by any constitutional  
104 provision, statute, or rule of this Court; if there is an attorney of record in the matter, all  
105 such assistance must be supervised by the attorney of record, and all documents

106 submitted to the court on behalf of such a client must be reviewed and signed by the  
107 attorney of record and the supervising attorney.

108 ~~(5i)~~ **Other appropriate legal services.** ~~A 14-807 practitioner may P~~perform other  
109 appropriate legal services, but only after prior consultation with the supervising  
110 attorney.

111 ~~(ej)~~ **Student certification.** For any student participating under this rule, the law school's  
112 dean, or his or her designee, must certify to the supervising attorney that the ~~law school~~  
113 student is in good standing, has completed the first year of law school studies, and, in  
114 the case of a clinic or externship, that the ~~law school~~ student is enrolled in a law school  
115 clinic or externship. The law school's dean or designee must also certify to the  
116 supervising attorney that the student has passed an evidence course if the ~~law school~~  
117 student will be participating in depositions or evidentiary hearings, and also a criminal  
118 procedure course if the law school student will be participating in criminal evidentiary  
119 hearings.

120 ~~(f) The supervising attorney is responsible for ensuring that the conduct of the law~~  
121 ~~school student or law school graduate complies with this rule, which includes verifying~~  
122 ~~the participant's eligibility.~~

123 ~~(gk)~~ **Graduate certification.** Before participating under this rule, a law school graduate  
124 must:

125 (1) provide the Bar's admissions office with the name of his or her supervising  
126 attorney;

127 (2) provide the Bar's admissions office with a signed and dated authorization to  
128 release information to the supervising attorney regarding the law school graduate's  
129 Bar applicant status;

130 (3) provide the Bar's admissions office with a signed and dated letter from the  
131 supervising attorney stating that he or she has read this rule and agrees to comply  
132 with its conditions; and

133 (4) receive a Graduate Practice Certificate from the Bar.

134 ~~(h)~~ **Eligibility termination.** A ~~law school student's or law school graduate's~~ 14-807  
135 practitioner's eligibility to provide services under this rule terminates upon the earlier  
136 occurrence of:

137 (1) in the case of a law school student, cessation of law school enrollment unless by  
138 reason of graduation; or

139 (2) in the case of a law school graduate:

140 (A) the expiration of ~~one year~~ eighteen months from the law school graduate's  
141 date of graduation; ~~or~~

142 (B) the Bar's admissions office's or character and fitness committee's decision not  
143 to approve the ~~law school~~-graduate's application; or

144 (C) notification of the ~~law school~~-graduate's failure to obtain a minimum passing  
145 score on the UBE as defined in Rule 14-711(d) by the graduate's second attempt.

146 ~~(fm)~~ **Supervisory attorney.** The supervising attorney is responsible for ensuring that the  
147 conduct of the 14-807 practitioner complies with this rule, which includes verifying the  
148 participant's eligibility.

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