

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

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

6 (b) Subject to the inherent power of each judge to have direct control of the
7 proceedings in court and the conduct of attorneys and others who appear before
8 the judge, the courts of Utah are authorized to allow eligible law school students
9 and recent law school graduates to participate in matters pending before them
10 consistent with this rule.

11 (c) In order to be eligible to participate under this rule, an individual must be
12 either:

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

16 (c)(1)(A) enrolled in a law school clinic or externship and supervised by an
17 attorney authorized to practice law in the state of Utah; or

18 (c)(1)(B) volunteering for, or employed by, a tax-exempt or governmental agency
19 or a for-profit entity, and supervised by an attorney who is authorized to practice
20 law in the state of Utah; or

21 (c)(2) A ~~Or a law school graduate who has~~ is working under the supervision of
22 an attorney authorized to practice law in the state of Utah, has graduated from an
23 ABA approved law school, and intends to submit an application to the Bar and
24 will be taking a regularly scheduled bar exam the Uniform Bar Examination
25 (UBE) within one year after graduating from law school, and is working under the
26 supervision of an attorney authorized to practice law in the state of Utah.

27 (d) Subject to all applicable rules, regulations, and statutes, a law school student
28 or law school graduate as defined under this rule may engage in the following
29 activities, so long as the client and supervising attorney consent in writing to each

30 activity, and the supervising attorney remains fully responsible for the manner in
31 which the activities are conducted:

32 (d)(1) Negotiate for and on behalf of the client, subject to final approval thereof by
33 the supervising attorney, or give legal advice to the client, provided that the law
34 school student or law school graduate:

35 (d)(1)(A) obtains the approval of the supervising attorney regarding the legal
36 advice to be given or plan of negotiation to be undertaken by the law school
37 student or law school graduate; and

38 (d)(1)(B) performs the activities under the general supervision of the supervising
39 attorney;

40 (d)(2) Appear on behalf of the client in depositions, provided that the law school
41 student or law school graduate:

42 (d)(2)(A) has passed a course in evidence; and

43 (d)(2)(B) performs the activity under the direct supervision and in the personal
44 presence of the supervising attorney;

45 (d)(3) Appear in any court or before any administrative tribunal in this state. In
46 order to participate in any evidentiary hearing, the law school student must have
47 passed a course in evidence, and in the case of a criminal evidentiary hearing,
48 must have also passed a course in criminal procedure. The supervising
49 attorney's and the client's written consent and approval, along with the law
50 school student's certification, must be filed in the record of the case and must be
51 brought to the attention of the judge of the court or the presiding officer of the
52 administrative tribunal. In addition, the law school student or law school graduate
53 must orally advise the court at the initial appearance in a case that he or she is
54 certified to appear pursuant to this rule. A law school student or law school
55 graduate may appear in the following matters:

56 (d)(3)(A) Civil Matters. In civil cases in any court, the supervising attorney is not
57 required to be personally present in court if the person on whose behalf an
58 appearance is being made consents to the supervising attorney's absence.

59 (d)(3)(B) Felony or Class A Misdemeanor Criminal Matters on Behalf of the
60 Prosecuting Authority. In any felony or Class A misdemeanor prosecution matter
61 in any court, the supervising attorney must be personally present throughout the
62 proceedings.

63 (d)(3)(C) Infraction or Class B or Class C Misdemeanor Criminal Matters on
64 Behalf of the Prosecuting Authority. In any infraction or Class B or Class C
65 misdemeanor matter in any court with the written approval of the supervising
66 attorney, the supervising attorney is not required to be personally present in
67 court; however, the supervising attorney must be personally present during any
68 Class B or Class C misdemeanor trial.

69 (d)(3)(D) Felony or Class A Misdemeanor Criminal Defense Matters. In any
70 felony or Class A misdemeanor criminal defense matter in any court, the
71 supervising attorney must be personally present throughout the proceedings.

72 (d)(3)(E) Infraction or Class B or Class C Misdemeanor Criminal Defense
73 Matters. In any infraction or Class B or Class C misdemeanor criminal defense
74 matter in any court, the supervising attorney is not required to be personally
75 present in court, so long as the person on whose behalf an appearance is being
76 made consents to the supervising attorney's absence; however, the supervising
77 attorney must be personally present during any Class B or Class C misdemeanor
78 trial.

79 (d)(3)(F) Appellate Oral Argument. In any appellate oral argument, the
80 supervising attorney must be personally present and the court must give specific
81 approval for the law school student's or law school graduate's participation in that
82 case.

83 (d)(3)(G) Notwithstanding the terms of (d)(3), the court may at any time and in
84 any proceeding require the supervising attorney to be personally present for such
85 period and under such circumstances as the court may direct.

86 (d)(4) ~~Perform the following activities under the general supervision of the~~
87 ~~supervising attorney, but outside his or her personal presence:~~

88 ~~(d)(4)(A) Prepare pleadings and other documents to be filed in any matter in~~
89 ~~which the law school student or law school graduate is eligible to appear,~~
90 ~~provided such pleadings or documents are reviewed and signed by the~~
91 ~~supervising attorney;~~

92 ~~(d)(4)(B) Prepare briefs and other documents to be filed in appellate courts of this~~
93 ~~state, provided such documents are reviewed and signed by the supervising~~
94 ~~attorney;~~

95 ~~(d)(4)(C) Provide assistance to indigent inmates of correctional institutions or~~
96 ~~other persons who request such assistance in preparing applications and~~
97 ~~supporting documents for post-conviction relief, except when the assignment of~~
98 ~~counsel in the matter is required by any constitutional provision, statute, or rule of~~
99 ~~this Court; if there is an attorney of record in the matter, all such assistance must~~
100 ~~be supervised by the attorney of record, and all documents submitted to the court~~
101 ~~on behalf of such a client must be reviewed and signed by the attorney of record~~
102 ~~and the supervising attorney; and~~

103 ~~(d)(5)4)(D) Perform other appropriate legal services, but only after prior~~
104 ~~consultation with the supervising attorney.~~

105 (e) For any student participating under this rule, the law school's dean, or his
106 or her designee, must certify to the supervising attorney that the law school
107 student is in good standing, has completed the first year of law school studies,
108 and, in the case of a clinic or externship, that the law school student is enrolled in
109 a law school clinic or externship. The law school's dean or designee must also
110 certify to the supervising attorney that the student has passed an evidence
111 course if the law school student will be participating in depositions or evidentiary
112 hearings, and also a criminal procedure course if the law school student will be
113 participating in criminal evidentiary hearings.

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

117 (g) Before participating under this rule, a law school graduate must:

118 (g)(1) provide the Bar's admissions office with the name of his or her supervising
119 attorney;

120 (g)(2) provide the Bar's admissions office with a signed and dated authorization
121 to release information to the supervising attorney regarding the law school
122 graduate's Bar applicant status; ~~and~~

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

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

127 (h) A law school student's or law school graduate's eligibility to provide services
128 under this rule terminates upon the earlier occurrence of:

129 (h)(1) in the case of a law school student, cessation of law school enrollment
130 unless by reason of graduation ~~in the case of a law school student; or~~

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

132 (h)(2)(A) the expiration of one year from the law school graduate's date of
133 graduation ~~failure to submit a timely application for admission to the Bar under~~
134 ~~(c)(2); or~~

135 (h)(2)(B) the Bar's admissions office's or its character and fitness committee's
136 decision ~~to not permit the law school graduate to take a regularly scheduled bar~~
137 ~~examination under (c)(2)~~ not to approve the law school graduate's application; or

138 (h)(2)(C) notification of the law school graduate's failure to obtain a minimum
139 passing score on ~~successfully pass the~~ UBE as defined in Rule 14-711(d). ~~bar~~
140 ~~examination under (c)(2); or~~

141 ~~(h)(2)(D) the law school graduate's failure to be admitted to practice within six~~
142 ~~months of taking and passing the bar examination under (c)(2).~~