

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 law
3 school graduates with supervised practical training in the practice of law for a limited
4 period of time and to assist the Bar and the judiciary ~~to discharge~~in discharging their
5 responsibilities to help create a just legal system that is accessible to all.

6 ~~which helps provide access to those individuals of limited means.~~

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

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

13 (c)(1) ~~a~~A law school student in good standing who ~~must have~~has completed the first
14 year of legal studies amounting to at least ~~two~~four semesters, or the equivalent if the
15 school 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 attorney
17 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 or
19 a for-profit entity, and supervised by an attorney who is authorized to practice law in the
20 state of Utah;

21 or

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22 (c)(2) Or a law school graduate who must have graduated~~has graduated~~ from an
23 ABA approved law school, ~~and will be taking a regularly-scheduled bar exam within one~~
24 year after graduating from law school, and have submitted an application for admission
25 to the Bar in time for the first regularly-scheduled bar examination after graduation is
26 working under the supervision of an attorney authorized to practice law in the state of
27 Utah.

28
29 (d) ~~The law school student's or graduate's participation shall be limited to civil,~~
30 ~~misdemeanor or administrative cases.~~ Subject to all applicable rules, regulations, and
31 statutes, a law school student or law school graduate as defined under this rule may
32 engage in the following activities, so long as the client and supervising attorney consent
33 in writing to each activity, and the supervising attorney remains fully responsible for the
34 manner in which the activities are conducted:

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

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

41 (d)(1)(B) performs the activities under the general supervision of the supervising
42 attorney;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

99 (d)(4)(D) Perform other appropriate legal services, but only after prior consultation
100 with the supervising attorney.

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101 ~~(e) A law school student's or graduate's participation shall be under the direct and~~
102 ~~immediate personal supervision and in the presence of a resident attorney admitted to~~
103 ~~practice law before the court, except that the presence of the supervising attorney shall~~
104 ~~not be required at default divorce proceedings which are not contested and where the~~
105 ~~appearing party is represented by a non-profit public service legal agency.~~

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

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

117 ~~(g) A law school student's or graduate's participation shall be agreed to by written~~
118 ~~stipulation of counsel for all parties to the action and filed in the case file.~~

119 ~~(g)~~ Before participating under this rule, a law school graduate ~~shall~~must:

120 ~~(g)~~(1) provide the Bar's admissions office with the name of his or her supervising
121 attorney; and

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

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

128 ~~(i) A law school student shall not receive any compensation or remuneration of any
129 kind from the client on whose behalf the services are rendered.~~

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

132 (h)(1) cessation of law school enrollment unless by reason of graduation in the case
133 of a law school student; or

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

135 (h)(2)(A) failure to submit a timely application for admission to the Bar under (c)(2);

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

139 (h)(2)(C) notification of the law school graduate's failure to successfully pass ~~the~~
140 ~~first regularly-scheduled~~ the bar examination under (c)(2); ~~or~~

141

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142 (h)(2)(D) the law school graduate's failure to be admitted to practice ~~at the first~~
143 ~~regularly-scheduled admission ceremony~~ within six months of taking and passing the bar
144 examination under (c)(2).