

Supreme Court adopts Mississippi Law Student Limited Practice Rule

November 23, 2015

The Mississippi Supreme Court on Thursday, Nov. 19, adopted a new court rule which expands the ability of law students to engage in limited law practice. The new rule is intended to provide more legal assistance to poor people.

Supreme Court Chief Justice Bill Waller Jr. said, “This rule change will greatly expand opportunities for our law students to assist the needy in our state with access to our courts. This will also give our law students a valuable practice experience as they transition from being students to practitioners.”

The Mississippi Law Student Limited Practice Rule was requested by the Access to Justice Commission. The rule went into effect immediately.

Access to Justice Commission Executive Director Tiffany M. Graves said the new rule “will increase and enhance civil legal services to the poor throughout the state.”

“The new rule will expand the limited practice opportunities of law students by allowing them to provide limited legal services as part of a clinical legal education course, law school legal internship program, or through a volunteer legal services program under the supervision of licensed attorneys. Now, substantially more students will be able to participate in programs and initiatives that provide civil legal services to the poor,” Graves said.

The new rule will provide immediate and long-term benefits, said Professor Meta Copeland, director of experiential learning at Mississippi College School of Law. “More law students can now assist low-income clients with legal issues. More lawyers will accept pro bono cases with the assistance of a limited practice student at no cost,” she said.

When those students become licensed attorneys, they will be more likely to continue to provide legal assistance as volunteers. Professor Copeland said, “Students learn about the concept of legal assistance to the poor in law school, but students who assist low income clients through limited practice experience first-hand the challenges raised by unmet legal needs. Through limited practice, law students begin to understand the lawyer's responsibility to those who cannot afford essential legal services. By expanding Mississippi's limited practice rule, the Mississippi Supreme Court has emphasized the importance of pro bono lawyering to the next generation of attorneys.”

The rule replaces a state law, the Law Student Limited Practice Act, Mississippi Code Sections 73-3-205-207. The old law “prohibited law students from participating in limited practice through voluntary legal aid programs that do not provide course credit,” Graves said. “It also prevented students who attend law schools in other states from engaging in limited practice in Mississippi through summer volunteer opportunities and externships. Finally, it limited eligible attorney supervisors to state or legal services employees, thereby limiting pro bono collaborations between law schools and the private bar.”

The rule allows limited law practice by students who have completed two-thirds of their law school hours required for graduation and are enrolled in a legal internship or volunteer legal services program, as well as by students who have completed half of the required hours for graduation and are enrolled in a clinical legal education course. The rule states that a law student may not directly represent clients but may only assist the supervising attorney or clinical teacher in representing their clients. Students must work under the supervision of a licensed attorney. Law students must take an oath to engage in limited practice, and are held to the same standards as attorneys. Law students will work without pay, although they can be reimbursed for expenses.

The court order and the new rule are at this link:

<http://courts.ms.gov/Images/Opinions/200901.pdf>.