

## REQUEST FOR COMMENTS

Pursuant to Rule 27(f) of the Mississippi Rules of Appellate Procedure, the Rules Committee on the Legal Profession seeks comments from the bench, the bar, and the public on the proposed Law Student Limited Practice Rule. The Mississippi Access to Justice Commission submitted the proposed rule to this Court on February 5, 2013.

Comments must be filed with the Clerk of the Supreme Court at Post Office Box 249, Jackson, Mississippi 39205. The filing deadline for comments is June 25, 2015.

The proposed Law Student Limited Practice Rule is set forth below.

## Law Student Limited Practice Rule

### **Section 1. Definitions**

**A. Law Student.** Law student regularly enrolled in a law school which is provisionally or fully approved by the American Bar Association who: (i) if enrolled and assigned in a legal internship program or volunteer legal services program, has completed two-thirds (2/3) of the required number of hours for graduation from that school; or (ii) if enrolled in a clinical legal education course, has completed one-half (1/2) of the required number of hours for graduation from that school.

**B. Legal Internship Program.** A program or course for academic credit which is established by a law school which is approved by the American Bar Association and directed or generally supervised by a member of the faculty or staff of the school in which law students are assigned to work under supervising attorneys.

**C. Supervising Attorneys.** Attorneys who: (i) are licensed to practice law in Mississippi and who are public officials; or (ii) are licensed to practice law in Mississippi and have actively practiced more than three (3) years in public offices, agencies, or departments, public defender offices, or in nonprofit or publicly funded legal services; or (iii) are licensed to practice law in Mississippi and have actively practiced more than three (3) years in Mississippi and who supervise students in connection with a volunteer legal services program or legal internship program.

**D. Clinical Legal Education Course.** A course for academic credit which is established by a law school in Mississippi in which law students assist a clinical teacher in providing legal services to clients under the direct and regular personal supervision of the clinical teacher.

**E. Clinical Teacher.** A member of the faculty or staff of a law school in this state who teaches and supervises law students in a clinical legal education course and is licensed to practice law in Mississippi.

**F. Volunteer Legal Services Program.** A program that is established by a law school which is approved by the American Bar Association and directed or generally supervised by a member of the faculty or staff of the school in which law students volunteer to assist a supervising attorney in providing legal services to clients.

### **Section 2. Student Practice**

A law student may provide limited legal services to, and/or may appear in any municipal, county, or state court on behalf of, any person or entity financially unable to afford counsel or on behalf of the State of Mississippi or of any municipal or county government; provided, however, that the law student is enrolled in a clinical legal education course, participating in a law school legal internship program, or furnishing assistance through a volunteer legal services program.

### **Section 3. Authorization to Practice; Conditions; Compensation**

Before any student shall be eligible to provide legal services and/or appear in court under this rule, the law student shall petition the court and take the oath, as prescribed in this rule, and be admitted to limited practice by an order of a circuit or chancery court judge, as prescribed in this rule, in the district in which the student will practice. Upon filing the oath and order in the office of the clerk of that court, the law student will be authorized to engage in limited practice in any court in the state subject to the controls and limitations ordered by the judge of the court.

The authority for limited practice by a law student will continue during any regular school terms in which the law student is enrolled in a legal internship or clinical legal education course, including intercessions between terms. The authority for limited practice by a law student in a volunteer legal services program will continue until the earlier of the expiration of 12 months or until the law student graduates or officially withdraws from law school, whichever is earlier. The authority may be revoked by the court granting it for good cause.

A law student may not directly represent clients but may only assist the supervising attorney or clinical teacher in representing their clients. All pleadings and entries of record in courts must be signed by the supervising attorney or clinical teacher. Law students may appear and participate in trials and hearings in courts if the supervising attorney or clinical teacher is present and supervising the student. Law students assigned as interns to prosecuting attorneys may assist the supervising attorney before grand juries subject to the same prohibitions and penalties as to disclosure and secrecy as are members of the grand jury. Law students will be subject to the same standards and rules of professional conduct and ethics and the same rules of discipline as are licensed attorneys. Law students shall receive no compensation for their services but may be reimbursed actual expenses if funds are available for that purpose.

#### **Section 4. Petition and Oath.**

A law student who meets the qualifications set forth in this article may petition a circuit or chancery court and present the oath in the following form:

##### **PETITION AND OATH FOR ADMISSION TO LIMITED PRACTICE**

The undersigned, \_\_\_\_\_, does state and affirm that I am a law student who has the qualification for admission to limited practice under the Law Student Limited Practice Rule, and seek the authority of this court to engage in limited practice under that rule.

I do, upon my oath, solemnly swear (or affirm) that when granted that authority I will demean myself in accord with the conditions and limitations of the Law Student Limited Practice Rule according to the best of my learning and ability and with all good fidelity as well to the court as to the client; that I will use no falsehood nor delay any person's cause for lucre or malice, and that I will support the Constitution of the United States and of the State of Mississippi so long as I continue a citizen thereof.

It is therefore prayed that this court order my admission to limited practice pursuant

to said Rule.

The filing of the petition signed by the law student will constitute a sworn statement by the student under oath. A student participating in a legal internship program or volunteer legal services program shall attach to the petition an official letter from the supervising faculty member certifying that such student meets the requirements of this Rule. A student participating in a clinical legal education course shall attach to the petition an official letter from the clinical teacher certifying that such student meets the requirements of this Rule.

### **Section 5. Order of Judge Administering Oath**

Upon finding that a law student meets the qualifications for limited practice under this rule, a judge of the court may order the admission of the student to limited practice in the following form:

#### **ORDER**

Be it known that \_\_\_\_\_, a law student, has petitioned this court for admission to the limited practice of law and presented the prescribed oath pursuant to the provisions of the Law Student Limited Practice Rule, and having found the said petitioner is a citizen of the United States who meets the requirements for such admission, the court therefore finds that petitioner is entitled to admission to the limited practice of law under said Rule.

It is therefore ordered and adjudged that \_\_\_\_\_ is admitted to the limited practice of law as a law student in all the courts of this state for the duration and upon the terms, conditions, and limitations prescribed by said rule.

Ordered and adjudged this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

The petition and oath of the law student and the order of the court will be kept on file in the office of the clerk of the court.