

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

48 ~~(B2)~~ (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 (d)(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 ~~(eh)~~ **Student certification.** For any student participating under this rule, the law
112 school's dean, or his or her designee, must certify to the supervising attorney that the
113 ~~law school~~ student is in good standing, has completed the first year of law school
114 studies, and, in the case of a clinic or externship, that the ~~law school~~ student is enrolled
115 in a law school clinic or externship. The law school's dean or designee must also certify
116 to the supervising attorney that the student has passed an evidence course if the ~~law~~
117 ~~school~~ student will be participating in depositions or evidentiary hearings, and also a
118 criminal procedure course if the law school student will be participating in criminal
119 evidentiary 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 ~~(gi)~~ **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 ~~(k)~~ **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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