ARKANSAS JUDICIARY
Published on *Arkansas Judiciary* (https://courts.arkansas.gov)

Rule XV. Student Practice

A. Purpose The bench and the bar are primarily responsible for providing competent legal services for all persons, including those unable to pay for these services. As one means of providing assistance to lawyers who represent clients unable to pay for such services and to encourage law schools to provide clinical instruction of varying kinds, this rule is adopted by the Arkansas Supreme Court (Court). B. Activities An eligible law student (student) may appear in any court or before any administrative tribunal in this State on behalf of any person if the person on whose behalf the student is appearing has indicated in writing consent to that appearance and the supervising lawyer (lawyer) has also indicated in writing approval of that appearance. A student may also appear in any criminal matter on behalf of the State or prosecuting authority with the written approval of the prosecuting attorney (lawyer) or his or her authorized representative. When a student appears pursuant to paragraphs B(1) or (2) above the lawyer must be personally present throughout the proceedings and shall be fully responsible for the manner in which they are conducted. In civil cases and cases in which the student represents a defendant in a criminal case, the written consent of the person on whose behalf an appearance is being made and the approval of the lawyer shall be filed in the record of the case. In courts or administrative tribunals in which the student represents the State or prosecuting authority, the approval of the lawyer shall be filed of record with the clerk of the court or administrative tribunal. An eligible law student may also participate in a law school clinical program emphasizing transactional and drafting skills including client counseling. C. Requirements of Eligibility In order to make an appearance or provide counsel pursuant to this rule, the law student shall: Be duly enrolled in a law school approved by the American Bar Association; Have completed a course in professional responsibility, or the equivalent of such a course; File with the Clerk of this Court the law school dean certification described in paragraph E of this rule; File with the Clerk of this Court the supervising lawyer certification described in paragraph F of this rule; Neither ask for nor receive any compensation or remuneration of any kind directly from the person on whose behalf services are rendered, but this shall not prevent an attorney, law firm, legal aid bureau, public defender agency, or the state, county, or municipality from paying compensation not otherwise prohibited by these rules to the student. Certify in writing that he or she has read and will comply with this rule and with the Model Rules of Professional Conduct adopted by this Court. This certification shall be incorporated in the law school dean certification described in paragraph E of this rule. If appearing under paragraphs B(1),(2)or(3), have completed legal studies amounting to at least forty-eight (48) credit hours, or the equivalent if the school is on some basis other than a semester basis, including courses in civil procedure, evidence, criminal procedure, and professional responsibility or the equivalent of such courses. D. Limitations A student is authorized to practice under this rule only under the supervision of: The lawyer who signs the supervising lawyer certification described in paragraph F of this rule; or, A lawyer who is admitted to practice in this State and who otherwise meets the requirements of Section H of

this rule and is a member of the same law firm as the supervising lawyer; or, a lawyer who is admitted to practice in this State and is employed by the same law school or public office as the supervising lawyer; or, A lawyer employed full time by an Arkansas Law School accredited by the American Bar Association, may engage in supervision under this section for no more than one year without being admitted to practice in this State, providing the lawyer: is admitted to practice and is in good standing in another state; and; has had at least five years of practice in another state or states; and, it shall be the responsibility of the Arkansas law school which employs a full time lawyer pursuant to this section to secure and maintain documentation confirming that the lawyer meets the requirements of this section, and, the law school dean certification shall contain an affirmation by the dean to that effect. The authority of a law student to practice under this rule may be terminated by this Court at any time without notice or hearing and without any showing of cause. Notice of the termination shall be filed with the Clerk of this Court. After a law student has appeared in a court or administrative tribunal on one or more occasions, a judge of the trial court or tribunal may terminate, for good cause, the authority of any such student to appear subsequently in the court or division thereof, or the administrative tribunal, over which the Judge presides. E. Law School Dean Certification The certification of a law student by the law school dean shall: Unless sooner withdrawn, remain in effect until: the expiration of eighteen (18) months after it is filed; or, the student graduates; or, the student officially withdraws from law school; Certify that the law student is of good moral character and competent legal ability and is adequately trained to perform as an eligible law student under this rule; Be subject to withdrawal by the dean at any time by mailing a notice to that effect to the Clerk of this Court and it is not necessary that the notice state the cause for withdrawal; and, The law school dean certification required by this section shall contain an affirmation that the dean of the certifying institution will promptly notify the Clerk of this Court in the event the student's eligibility ceases pursuant to this section. F. Supervising Lawyer Certification The certification of a law student by a lawyer shall: Be signed by a lawyer admitted to practice in this State who agrees to act as a supervising lawyer with respect to practice by a law student under this rule; Unless sooner withdrawn, remain in effect until: the expiration of six (6) months after it is filed; or, the student graduates; or, the student officially withdraws from law school; Be subject to renewal by filing a new certification; Certify that the lawyer has read and will comply with this rule and with the Model Rules of Professional Conduct adopted by this Court; and, Be subject to withdrawal by the lawyer at any time by mailing a notice to that effect to the Clerk of this Court and it is not necessary that the notice state the cause for withdrawal. G. Other Activities In addition, a student may engage in other activities, but outside the personal presence of the lawyer, including: Preparation of pleadings and other documents to be filed in any matter in which the student is eligible to appear under paragraphs B(1),(2)or(3), but such pleadings or documents must be signed by the lawyer; Preparation of briefs, abstracts, and other documents to be filed in appellate courts of this State by a student eligible under paragraphs B(1),(2)or(3), but such documents must be signed by the lawyer; and, Preparation of contracts, incorporation papers and by-laws, agreements, filings required by a state, federal or other governmental agency or body, proposed legislation and other documents for a client's consideration by a student certified under paragraph B(5). Such documents must be reviewed by the lawyer prior to presentation to the client and signed by the lawyer if a lawyer's signature is necessary. In preparation of these documents, the student may give legal advice if such advice has been approved or is supervised by the lawyer. Approval or supervision by the lawyer shall be accomplished through preparation of the student and videotaping of client contacts or the lawyer's presence during client contacts. The other activities set forth in this paragraph (c) are authorized exclusively for students representing persons receiving assistance from a law school clinical program which emphasizes transactional and drafting skills including client counseling. The

taking of a deposition shall be considered a court appearance subject to the provisions and requirements of section B of this rule. H. Supervision The lawyer under whose supervision a student does any of the things permitted by this rule shall: Be a lawyer who is licensed in this State (except as may be otherwise provided by this rule) and who has been actively engaged in the practice of law in this State or any other jurisdiction for a period of at least two years and is in good standing with the Supreme Court of Arkansas; Assume personal professional responsibility for the student's guidance in any work undertaken and for supervising the quality of the student's work; Assist the student in preparation to the extent the lawyer considers it necessary; and, The lawyer may not charge the client for services of a student practitioner pursuant to activities under section B of this rule. I. Duties of the Clerk of this Court The Clerk shall establish such records as are appropriate to administer and enforce the provisions of this rule. J. Miscellaneous Nothing contained in this rule shall affect the right of any person who is not admitted to practice law to do anything that he or she might lawfully do prior to the adoption of this rule. (Adopted April 27, 1987; republished December 20, 1993; amended by Per Curiam July 17, 1995; amended by Per Curiam May 7, 1998.)

Associated Court Rules:
Rules Governing Admission to the Bar

Source URL: https://courts.arkansas.gov/rules-and-administrative-orders/court-rules/rule-xv-student-practice