

Minnesota Limited Practice Papers

Complete attached form and return to:

Office of Student Life

University of North Dakota School of Law

215 Centennial Drive, Stop 9003

Grand Forks, ND 58202-9003

und.lawstudentlife@und.edu

The Office of Student Life will forward the attached form, along with a letter of good standing, to the Minnesota Board of Law Examiners for processing.

Request for Certification or Re-certification as Law Student Practitioner

- ☐ Initial Certification
- ☐ Re-certification

Name: _____
 Last First Middle

Email Address: _____

Name of Supervising Lawyer: _____

(Please attach letter from supervising lawyer to form. See instructions for more information.)

- ☐ I have reviewed Rule 6 and agree to comply.
- ☐ I have reviewed Rule 11 and understand that certification lasts for 12 months, unless an event listed in Rule 11A occurs.

Signature

Please provide form to law school registrar. Additional information can be found on the Board's website www.ble.mn.gov

LETTER TO LAW SCHOOL TO REQUEST LAW STUDENT PRACTITIONER CERTIFICATION

[Date]

[Law School Name]
[Law School Address]
[Law School Address]

Re: Request for Law Student Practitioner Certification

Dear [Name]:

On behalf of [name of workplace], I request that [name(s) of student](s) be certified as a Law Student Practitioner under the Supervised Practice Rules.

I certify that the student(s) is employed or has been placed in our office to provide legal services to clients and will be properly supervised at all times in accordance with the Supervised Practice Rules. Supervision will be by an attorney in our office who shall:

- 1) Assume personal professional responsibility for and supervision of the law student practitioner;
- 2) Sign all pleadings;
- 3) Ensure the law student practitioner is identified to the client and the tribunal and is knowingly accepted by both;
- 4) Appear with the law student practitioner in all trials and other proceedings except as otherwise permitted in Rule 5(A)(4);
- 5) Provide appropriate supervision and assistance as needed;
- 6) Send written notice to the law school and the Board of Law Examiners if terminating the supervisory relationship for any reason; and
- 7) Abide by all obligations set forth in the Supervised Practice Rules.

I understand that this certification will last for twelve months unless one of the four events listed in Rule 11(A) of the Supervised Practice Rules occur.

Sincerely,

[Name of Attorney Supervisor]
[Title of supervisor]

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Rule 3. Scope of Representation.

A law student practitioner or supervised practitioner may perform, under the supervision of a supervising lawyer, all functions that a lawyer may perform in representing and appearing on behalf of a client.

Rule 4. Obligations of Law School.

A. Certification: A law school seeking to certify or recertify eligible law students or recent graduates under these Rules shall file with the Board a statement signed by the dean or dean's designee stating the following:

- (1) The name of each eligible law student or recent graduate;
- (2) Verification that the individual is either in good academic standing or has graduated from the law school;
- (3) For eligible recent graduates, the date on which the graduate's degree was conferred;
- (4) For eligible law students, confirmation that the student has completed the equivalent of at least two semesters of full-time study;
- (5) The name of the supervising lawyer who has agreed to supervise the individual's work; in the case of an entity, the name of the contact at the legal employer that will verify that all work is properly supervised;
- (6) For student observers, confirmation that the placement is part of an academic program or course for academic credit;
- (7) A statement that the law school will notify the Board in writing upon notice that any of the following have occurred:
 - (a) The law student practitioner or student observer is placed on academic probation;
 - (b) The law student practitioner graduates from law school;
 - (c) The supervising lawyer advises the school that the employment or placement of the law student or supervised practitioner has ended.
 - (d) The law school becomes aware that the supervised practitioner:
 - (1) Has failed the bar examination any jurisdiction; or
 - (2) Has been admitted to the bar of any jurisdiction.

B. Continuing Obligation: A law school shall provide written notice to the Board within 30 days of becoming aware of any event noted in Rule 4A(7).

- (1) If a law student practitioner graduates, the law school shall advise the Board if the certification should convert from law student practitioner to supervised practitioner and, if so, provide the date of conferral and confirmation that there is ongoing employment with the same or a new supervising lawyer.

Rule 5. Obligations of Supervising Lawyer.

A. When supervising a law student practitioner or supervised practitioner, the supervising attorney shall:

- (1) Assume personal professional responsibility for and supervision of the law student or supervised practitioner;
- (2) Sign all pleadings;

Rule 6. Obligations of Law Student Practitioner.

- A.** Once certified, the law student practitioner shall take the following actions:
- (1) Identify himself or herself to each client and tribunal as a law student practitioner and proceed only if accepted by both;
 - (2) Comply with the supervised practice requirements outlined in Rule 5A;
 - (3) Comply with Minnesota Rules of Professional Conduct;
 - (4) Request recertification through his or her law school before the expiration of certification, if eligible; and
 - (5) Ensure that his or her law school files notice to the Board of his or her graduation and, if eligible, requests recertification as a supervised practitioner.

Rule 8. Obligations of Student Observer.

A student observer shall sign and abide by a statement certifying that the student will maintain the confidentiality that a lawyer is required to maintain under Rule 1.6 of the Minnesota Rules of Professional Conduct.

Rule 9. Obligations of the Board.

- A.** The Board shall:
- (a) Review the certification applications filed by the law school to confirm eligibility under these Rules;
 - (b) Provide written notice to the law school confirming certification;
 - (c) Post to the website a list of law student practitioners and supervised practitioners and the date that certification is scheduled to expire;
 - (d) Maintain a list of student observers approved under these Rules; and
 - (e) Provide written notice to the law school and remove from the website the names of law student practitioners and supervised practitioners whose licenses have expired or terminated under these Rules.

Rule 10. Period of Certification; Recertification.

- A.** A law student practitioner may be initially certified for a period of 12 months, and may renew certification for a period of 12 months;
- B.** A law student practitioner may be recertified as a supervised practitioner upon graduation from law school; and
- C.** A supervised practitioner may be certified for a period of 18 months from the date of degree conferral.

Rule 11. Termination of Certification.

- A.** Certification as a law student practitioner terminates when the first of the following occurs:
- (a) Twelve months has elapsed from the most recent certification;
 - (b) The law school, placement entity, or supervising lawyer sends written notice to the Board that the supervising lawyer is no longer willing to supervise the law

- student practitioner;
 - (c) The student practitioner resigns or is terminated from the qualifying position; or
 - (d) The law school places the law student on academic probation.
- B.** Certification as a supervised practitioner terminates when the first of the following occurs:
- (a) The law school, placement entity, or the supervising lawyer sends written notice to the Board that the supervising lawyer is no longer willing to supervise the supervised practitioner;
 - (b) The supervised practitioner resigns or is terminated from the qualifying position;
 - (c) The supervised practitioner is admitted to the bar in any jurisdiction;
 - (d) The supervised practitioner fails the bar examination in any jurisdiction; or

For each case where a legal paraprofessional will appear in court on behalf of the client, the certificate of representation for the matter must identify both the supervising attorney and the legal paraprofessional. The legal paraprofessional may sign the certificate of representation, but must include with the filed certificate of representation a statement signed by the supervising attorney that authorizes the legal paraprofessional to appear in court. The signed authorization must identify the types of proceedings for which the legal paraprofessional is authorized to provide services and the starting and ending dates during which the paralegal is authorized to appear in court.

Rule 12.02 Eligible Legal Paraprofessionals

An eligible legal paraprofessional must meet the following requirements:

- (a) **Education and Work Experience Requirements.** To participate in the pilot project, a legal paraprofessional must have the following education or work experience:
 - (1) an Associate's or Bachelor's Degree in paralegal studies from an institutionally accredited school; or
 - (2) a paralegal certificate from an institutionally accredited school in addition to an Associate's or Bachelor's degree in any subject from an institutionally accredited school; or
 - (3) a law degree from an ABA accredited school; or
 - (4) a high school diploma with 5 years of substantive paralegal experience.
- (b) **Ethics and Continuing Legal Education Requirements.** To participate in the pilot project, a legal paraprofessional must satisfy the following ethics and continuing education requirements:
 - (1) hold Minnesota Certified Paralegal credentials from the Minnesota Paralegal Association; or
 - (2) provide proof that the legal paraprofessional has earned ten continuing legal education credits, including two credit hours in ethics, within the two years prior to seeking certification under Rule 12.04(a); or
 - (3) provide proof that the legal paraprofessional has obtained a paralegal studies degree or certificate, or a juris doctorate within the two years prior to seeking certification under Rule 12.04(a). Such a program must include an ethics component.
- (c) **Written Agreement with a Supervisory Attorney.** To participate in the pilot project, a legal paraprofessional must enter into a written agreement with a licensed Minnesota attorney who agrees to serve as the paralegal's supervisory attorney. The written agreement must set forth the scope and types of work the legal paraprofessional may undertake consistent with the scope of the pilot project and the steps the supervisory attorney will take to ensure that the paralegal is serving the client's interests.
- (d) **Roster of Approved Legal Paraprofessionals.** To participate in the pilot project, a legal paraprofessional must remain in good standing on the roster of approved legal paraprofessionals established and maintained by the Standing Committee on the Legal Paraprofessional Pilot Project.
- (e) **Training or Experience Requirements for Certain Cases.**

sufficient knowledge of the subjects set forth in Rule 12.02(e)(1) and Rule 12.02(e)(2)(a).

Rule 12.03 Supervisory Attorney

The attorney who supervises a legal paraprofessional authorized to participate in the pilot project shall:

- (a) be a member in good standing of the bar of this court;
- (b) assume personal professional responsibility for and supervision of the legal paraprofessional's work, including court appearances;
- (c) assist the legal paraprofessional to the extent necessary, and sign all pleadings;
- (d) carry malpractice insurance that will sufficiently cover the attorney's supervision of the legal paraprofessional and the work and actions of the supervised legal paraprofessional, or ensure that the legal paraprofessional has secured adequate malpractice insurance; and
- (e) execute a written agreement that establishes the terms of the supervised legal paraprofessional's work and the supervision conditions.

Rule 12.04 Standing Committee for Legal Paraprofessional Pilot Project.

The Standing Committee for the Legal Paraprofessional Pilot Project shall establish, in collaboration with the State Court Administrator, procedures as follows:

- (a) for certifying legal paraprofessionals as authorized to participate in the pilot project and establishing and maintaining a public roster of legal paraprofessionals eligible to participate in the pilot project;
- (b) for evaluating the results and outcome of the pilot project and making further recommendations to the Supreme Court;
- (c) for submitting, reviewing, investigating, and resolving complaints made against legal paraprofessionals and supervising attorneys, including removing legal paraprofessionals from the roster and prohibiting supervising attorneys from participating in the pilot project if there is a good cause to do so. Rostered legal paraprofessionals and supervising attorneys shall cooperate with standing committee investigations and failure to cooperate may be the basis for removal from the pilot project; and
- (d) for approving continuing education credits required under Rule 12.02(e).