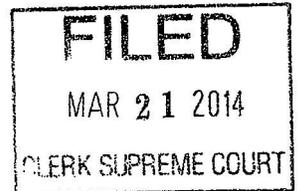


In the Supreme Court of Iowa

**In the Matter of Amendments
to Iowa Court Rules Regulating
Student Practice**

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Order



On January 7, 2014, the Iowa Supreme Court invited public comment on proposed amendments to chapter 31 of the Iowa Court Rules regarding permissible practice by law students and law school graduates waiting for bar examination results. After consideration of written comments, the court adopts amendments to Iowa Court Rule 31.15 as attached to this order.

A summary of the amendments from the Office of Professional Regulation of the Supreme Court of Iowa also is attached. The amendments are effective immediately.

Dated this 21st day of March, 2014.

The Supreme Court of Iowa

By Mark S. Cady
Mark S. Cady, Chief Justice

Rule 31.15 Permitted practice by law students and recent graduates.

31.15(1) ~~A law student~~ Law students enrolled in a reputable law school as defined by rule 31.8 and Iowa Code section 602.10102 certified to the office of professional regulation by the dean of the school to have completed satisfactorily not less than the equivalent of three semesters of the work required by the school to qualify for the J.D. or LL.B. degree, may, under the following conditions, engage in the practice of law or appear as counsel in the trial or appellate courts of this state.

a. Appearance by students as defense counsel in a criminal matter in any trial court shall be confined to misdemeanors and the student shall be under the direct supervision of licensed Iowa counsel who shall be personally present.

b. Appearance by students in matters before the court of appeals or supreme court of Iowa shall be under the direct supervision of licensed Iowa counsel who shall be personally present.

c. Appearance or assistance by students in other matters shall be under the general supervision of licensed Iowa counsel, but such counsel need not be personally present unless required by order of the court.

31.15(2) ~~A student~~ Students who the dean of a reputable law school certifies ~~has~~ have completed not less than the equivalent of two semesters of work required to qualify for the J.D. or LL.B. degree may appear in a representative capacity in a contested case proceeding before an administrative agency.

a. Appearance by students who have completed only two semesters of work shall be under the direct supervision of licensed Iowa counsel who shall be personally present.

b. Students who have completed at least three semesters may appear in a representative capacity in a contested case proceeding before an administrative agency under the general supervision of licensed Iowa counsel, but such counsel need not be personally present unless required by order of the tribunal.

31.15(3) ~~No~~ Except as allowed by rule 31.15(4), student ~~students~~ students may not engage in the practice of law or appear as counsel in any court of this state or before an administrative agency unless such practice or appearance is part of an educational program approved by the faculty of the student's law school and not disapproved by the ~~supreme court of the state of Iowa~~ Supreme Court, and such program is supervised by at least one member of the law school's faculty. Students may continue to practice before courts or administrative agencies of this state after completion of an educational program so long as the placement is substantially the same as it was during the educational program, approved

by the law school, and done with the supervision required under rule 31.15(1) and (2).

31.15(4) Law students may assist licensed Iowa counsel to the same extent as a non-attorney without being part of an educational program or being certified to the office of professional regulation, but the students shall be under the general supervision of licensed Iowa counsel who need not be personally present. Law students may not appear in representative capacities in contested case proceedings before administrative agencies without complying with rule 31.15(2) and (3), or before trial or appellate courts without complying with rule 31.15(1).

31.15(4)(5) ~~A student~~ Law students shall not receive compensation other than general compensation from an employer-attorney or from a law-school-administered fund.

31.15(6) Graduates of reputable law schools who have applied to take the Iowa bar examination are authorized to perform all activities described in this rule on behalf of the public defender's office, the attorney general's office, county attorney offices, or approved legal aid organizations under the following conditions:

a. Supervision of graduates shall be the same as supervision of law students under rule 31.15(1) and 31.15(2), but graduates do not need to meet the requirements of rule 31.15(3).

b. Graduates may perform under this rule beginning with the receipt of a law school dean's certification of graduation and terminating either upon the withdrawal or denial of their application to take the Iowa bar examination, their failure of the next administration of the Iowa bar examination, or upon the date of the admissions ceremony for those who pass that examination.

c. Graduates may practice up to twenty-five hours per week from receipt of a J.D. or LL.B. degree until the administration of the next Iowa bar examination.

d. Graduates are not limited in hours of practice under this rule from administration of the bar exam until the date the bar exam results are posted for those who fail or the date of the admissions ceremony for those who pass.

e. Graduates who have failed any state bar examination in the past are not eligible to practice under this provision.

f. The supervising organizations listed above shall file a certificate with the Office of Professional Regulation of the Iowa Supreme Court (OPR) listing the starting dates for all graduates practicing under rule 31.15(6) and shall file a second certificate indicating when the practice under this rule has terminated.

31.15(7) Approved Legal Aid Organization. For purposes of this rule, an “approved legal aid organization” includes a program sponsored by a bar association, law school, or a not-for-profit legal aid organization, approved by the Iowa Supreme Court, whose primary purpose is to provide legal representation to low-income persons in Iowa.

a. A legal aid organization seeking approval from the court for the purposes of this rule shall file a petition with OPR certifying that it is a not-for-profit organization and reciting with specificity the following:

(1) The structure of the organization and whether it accepts funds from its clients.

(2) The major sources of funds the organization uses.

(3)The criteria used to determine potential clients' eligibility for legal services the organization performs.

(4) The types of legal and nonlegal services the organization performs.

(5) The names of all members of the Iowa bar who are employed by the organization or who regularly perform legal work for the organization.

(6) The existence and extent of malpractice insurance that will cover the law student or graduate.

b. An organization designated as an approved legal aid organization under the provisions of rule 31.19(c) is an approved legal aid organization for purposes of this rule.

**OFFICE OF PROFESSIONAL REGULATION
OF THE SUPREME COURT OF IOWA**



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Memorandum for: Publication

From: Paul H. Wieck II, Director

Subject: Amendment of Student Practice Rule

Date: March 21, 2014

Overview

The amendment of Iowa's student practice rule is based on a proposal filed with the supreme court by the director of Iowa Legal Aid and the director of the office of professional regulation. The general purpose of the amendment is to help provide legal services to low-income Iowans by expanding and clarifying the circumstances under which law students and law graduates awaiting the bar examination or examination results may engage in limited, supervised practice.

Iowa Court Rule 31.15(1)

Iowa Court Rule 31.15(1)(c) is amended to include transactional matters as well as matters pending in court.

Iowa Court Rule 31.15 (2)

A sentence is added to Iowa Court Rule 31.15(2) to make clear that law students who have completed at least three semesters may represent clients in an administrative contested case proceeding, but need not have a licensed attorney present. The new sentence makes rule 31.15(2) consistent with rule 31.15(1)(c), which allows representation in court without a licensed attorney present.

Iowa Court Rule 31.15(3)

Iowa Court Rule 31.15(3) is amended to allow students to continue the same level of student practice after a law school clinical program or other educational program is completed, so long as the placement is substantially the same and the law school approves. This amendment allows law students to continue to use and improve the skills developed in a law school class after the class is completed.

Iowa Court Rule 31.15(4)

A new Iowa Court Rule 31.15(4) is added to make clear that law students may perform the same type of work for licensed lawyers that other non-lawyers, such as paralegals, are able to perform. The former Iowa Court Rule 31.15(4) is renumbered as Iowa Court Rule 31.15(5).

Iowa Court Rule 31.15(6)

Iowa Court Rule 31.15(6) is added to address permissible activity by law school graduates between the time of graduation and admission to the bar. In the switch to the multi-state bar exam, a window has opened when graduates cannot practice but could obtain practical experience before beginning employment as a lawyer. This amendment permits practice on behalf of specific governmental and approved legal aid organizations during this time, under the supervision of a licensed lawyer.