

Utah Courts

UCJA Rule 14-807 (Code of Judicial Administration)

Rule 14-807. Law school student and law school graduate legal assistance.

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Effective: 6/8/2022

(a) **Purpose.** The purpose of this rule is to provide eligible law school students and recent law school graduates (“14-807 practitioners”) with supervised practical training in the practice of law for a limited period and to assist the Bar and the judiciary in discharging their responsibilities to help create a just legal system that is accessible to all.

(b) **Law student and law school graduate authorization to practice law.** Subject to the inherent power of each judge to have direct control of the proceedings in court and the conduct of attorneys and others who appear before the judge, the courts of Utah are authorized to allow 14-807 practitioners to participate in matters pending before them consistent with this rule.

(c) **Eligibility.** In order to be eligible to participate under this rule, an individual must be either:

(1) A law school student in good standing who has completed the first year of legal studies amounting to at least two semesters, or the equivalent if the school is not on a semester basis, at an ABA approved law school and is either:

(A) enrolled in a law school clinic or externship and supervised by an attorney authorized to practice law in the state of Utah; or

(B) volunteering for, or employed by, a tax-exempt or governmental agency or a for-profit entity, and supervised by an attorney who is authorized to practice law in the state of Utah; or

(2) A law school graduate who is working under the supervision of an attorney authorized to practice law in the state of Utah, has graduated from an ABA approved law school, and intends to submit an application to the Bar and take the Uniform Bar Examination (UBE) within one year after graduating from law school.

(d) **Permissible activities.** Subject to all applicable rules, regulations, and statutes, a 14-807 practitioner as defined in this rule may engage in the following activities, so long as the client and supervising attorney consent in writing to each activity, and the supervising attorney remains fully responsible for the manner in which the activities are conducted:

- (1) negotiations under paragraph (e);
- (2) depositions under paragraph (f);
- (3) court and administrative hearing appearances under paragraph (g);
- (4) post-conviction relief under paragraph (h); and
- (5) other appropriate legal services under paragraph (i).

(e) **Negotiations.** A 14-807 practitioner may negotiate for and on behalf of the client, subject to final approval thereof by the supervising attorney, or give legal advice to the client, provided that the 14-807 practitioner:

- (1) obtains the approval of the supervising attorney regarding the legal advice to be given or plan of negotiation to be undertaken by the law school student or law school graduate; and
- (2) performs the activities under the general supervision of the supervising attorney;

(f) **Depositions.** A 14-807 practitioner may appear on behalf of the client in depositions, provided that the 14-807 practitioner:

- (1) has passed a course in evidence; and
- (2) performs the activity under the direct supervision and in the personal presence of the supervising attorney;

(g) **Court and administrative hearing appearances.** A 14-807 practitioner may appear in any court or before any administrative tribunal in this state.

- (1) In order to participate in any evidentiary hearing, a law school student must have passed a course in evidence, and in the case of a criminal evidentiary hearing, must have also passed a course in criminal procedure.
- (2) The supervising attorney's and the client's written consent and approval, along with the law school student's certification, must be filed in the record of the case and must be brought to the attention of the judge of the court or the presiding officer of the administrative tribunal.
- (3) The 14-807 practitioner must orally advise the court at the initial appearance in a case that he or she is certified to appear pursuant to this rule. A law school student or law school graduate may appear in the following matters:

(A) **Civil Matters.** In civil cases in any court, the supervising attorney is not required to be personally present in court if the person on whose behalf an appearance is being made consents to the supervising attorney's absence.

(B) **Felony or Class A Misdemeanor Criminal Matters on Behalf of the Prosecuting Authority.** In any felony or Class A misdemeanor prosecution matter in any court, the supervising attorney must be personally present throughout the proceedings.

(C) **Infraction or Class B or Class C Misdemeanor Criminal Matters on Behalf of the Prosecuting Authority.** In any infraction or Class B or Class C misdemeanor matter in any court with the written approval of the supervising attorney, the supervising attorney is not required to be personally present in court; however, the supervising attorney must be personally present during any Class B or Class C misdemeanor trial.

(D) **Felony or Class A Misdemeanor Criminal Defense Matters.** In any felony or Class A misdemeanor criminal defense matter in any court, the supervising attorney must be personally present throughout the proceedings.

(E) **Infraction or Class B or Class C Misdemeanor Criminal Defense Matters.** In any infraction or Class B or Class C misdemeanor criminal defense matter in any court, the supervising attorney is not required to be personally present in court, so long as the person on whose behalf an appearance is being made consents to the supervising attorney's absence; however, the supervising attorney must be personally present during any Class B or Class C misdemeanor trial.

(F) **Appellate Oral Argument.** In any appellate oral argument, the supervising attorney must be personally present and the court must give specific approval for the 14-807 practitioner's participation in that case.

(G) **Appellate Pleadings.** If a 14-807 practitioner substantially aids in the preparation of written materials in an appellate case, including briefs and memoranda, the supervising attorney may, at his or her discretion, credit the 14-807 practitioner by including the practitioner's name on the filing below the supervising attorney's name. The name of the 14-807 practitioner may appear on the cover of the brief or other paper below the name of any licensed attorney appearing on the matter and must indicate that the person is a 14-807 practitioner.

(4) Notwithstanding the terms of paragraph (g)(3), the court may at any time and in any proceeding require the supervising attorney to be personally present for such period and under such circumstances as the court may direct.

(h) **Post-conviction relief.** A 14-807 practitioner may provide assistance to indigent inmates of correctional institutions or other persons who request such assistance in preparing applications and supporting documents for post-conviction relief, except when the assignment of counsel in the matter is required by any constitutional provision, statute, or

rule of this Court; if there is an attorney of record in the matter, all such assistance must be supervised by the attorney of record, and all documents submitted to the court on behalf of such a client must be reviewed and signed by the attorney of record and the supervising attorney.

(i) **Other appropriate legal services.** A 14-807 practitioner may perform other appropriate legal services, but only after prior consultation with the supervising attorney.

(j) **Student certification.** For any student participating under this rule, the law school's dean, or his or her designee, must certify to the supervising attorney that the student is in good standing, has completed the first year of law school studies, and, in the case of a clinic or externship, that the student is enrolled in a law school clinic or externship. The law school's dean or designee must also certify to the supervising attorney that the student has passed an evidence course if the student will be participating in depositions or evidentiary hearings, and also a criminal procedure course if the law school student will be participating in criminal evidentiary hearings.

(k) **Graduate certification.** Before participating under this rule, a law school graduate must:

- (1) provide the Bar's admissions office with the name of his or her supervising attorney;
- (2) provide the Bar's admissions office with a signed and dated authorization to release information to the supervising attorney regarding the law school graduate's Bar applicant status;
- (3) provide the Bar's admissions office with a signed and dated letter from the supervising attorney stating that he or she has read this rule and agrees to comply with its conditions; and
- (4) receive a Graduate Practice Certificate from the Bar.

(l) **Eligibility termination.** A 14-807 practitioner's eligibility to provide services under this rule terminates upon the earlier occurrence of:

- (1) in the case of a law school student, cessation of law school enrollment unless by reason of graduation; or
- (2) in the case of a law school graduate:
 - (A) the expiration of eighteen months from the law school graduate's date of graduation;
 - (B) the Bar's admissions office's or character and fitness committee's decision not to approve the graduate's application; or
 - (C) notification of the graduate's failure to obtain a minimum passing score on the UBE as defined in Rule 14-711(d) by the graduate's second attempt.

(m) **Supervisory attorney.** The supervising attorney is responsible for ensuring that the conduct of the 14-807 practitioner complies with this rule, which includes verifying the participant's eligibility.

