

Proposed Amendments to Title 9 of the Rules of Court, Rule 9.42 (Redline)

Rule 9.42 Certified Law Students

(a) Definitions

(1) A "law student" is a student currently enrolled in a juris doctor (J.D.), master of laws (LL.M.) or bachelor of laws (LL.B.) program in a law school accredited by the examining committee, approved by the American Bar Association, or registered with the examining committee; or a student currently studying law in a law office or judge's chambers who has been approved by the State Bar for such study.

~~(1)~~ (2) A "certified law student" is a law student who has a currently effective certificate of registration as a certified law student from the State Bar.

~~(2)~~ (3) A "supervising attorney" is a licensee of the State Bar who agrees to supervise a certified law student under rules established by the State Bar and whose name appears on the application for certification.

(Subd (a) amended effective January 1, 2019; previously amended effective January 1, 2007.)

(b) State Bar certified law student program

The State Bar must establish and administer a program for registering law students under rules adopted by the Board of Trustees of the State Bar.

(Subd (b) amended effective January 1, 2019; previously amended effective January 1, 2007.)

(c) Eligibility for certification

To be eligible to become a certified law student

(1) An applicant who is a student in a J.D. or LL.B. program at a law school must:

(A) Have successfully completed one full year of studies (minimum of 270 hours) at a law school accredited by the American Bar Association or the State Bar of California, or both, or have passed the first year law students' examination; and

~~(2)~~ (B) Have been accepted into, and be enrolled in, the second, third, or fourth year of law school in good academic standing or have graduated from law school, subject to the time period limitations specified in the rules adopted by the Board of Trustees of the State Bar, and

~~(3) Have either successfully completed or be currently enrolled in and attending academic courses in evidence and civil procedure.~~

(2) An applicant who is a student in an LL.M. program at a law school must:

(A) have a first degree in law, acceptable to the State Bar, from a law school in a foreign country;

(B) Have successfully completed one semester in the program, or two quarters in a program operating on a quarter system, and be accepted to and enrolled in a second or subsequent semester or third or subsequent quarter, or no longer be enrolled having completed one year of study, subject to the time period limitations specified in the rules adopted by the Board of Trustees of the State Bar.

(3) An applicant who is studying law in a law office or judge's chambers must:

(A) Have successfully completed one year of legal studies in a law school, or through study in a law office or judge's chambers;

(B) Have passed the first year law students' examination; and

(C) Be actively continuing the study of law pursuant to Rule 4.29 of the Rules of the State Bar, under the supervision of the attorney or judge approved by the State Bar to provide supervision or have completed the course of study subject to the time period limitations specified in the rules adopted by the Board of Trustees of the State Bar.

(Subd (c) amended effective January 1, 2019.)

(d) Permitted activities

Subject to all applicable rules, regulations, and statutes, a certified law student may:

(1) 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 certified law student:

(A) Obtains the approval of the supervising attorney to engage in the activities;

(B) Obtains the approval of the supervising attorney regarding the legal advice to be given or plan of negotiation to be undertaken by the certified law student; and

(C) Performs the activities under the general supervision of the supervising attorney;

(2) Appear on behalf of the client in depositions, provided that the certified law student:

(A) Obtains the approval of the supervising attorney to engage in the activity;

(B) Performs the activity under the direct and immediate supervision and in the personal presence of the supervising attorney (or, exclusively in the case of government agencies, any deputy, assistant, or other staff attorney authorized and designated by the supervising attorney); and

(C) Obtains a signed consent form from the client on whose behalf the certified law student acts (or, exclusively in the case of government agencies, from the chief counsel or prosecuting attorney) approving the performance of such acts by such certified law student or generally by any certified law student;

(3) Appear on behalf of the client in any public trial, hearing, arbitration, or proceeding, or before any arbitrator, court, public agency, referee, magistrate, commissioner, or hearing officer, to the extent approved by such arbitrator, court, public agency, referee, magistrate, commissioner, or hearing officer, provided that the certified law student:

(A) Obtains the approval of the supervising attorney to engage in the activity;

(B) Performs the activity under the direct and immediate supervision and in the personal presence of the supervising attorney (or, exclusively in the case of government agencies, any deputy, assistant, or other staff attorney authorized and designated by the supervising attorney);

(C) Obtains a signed consent form from the client on whose behalf the certified law student acts (or, exclusively in the case of government agencies, from the chief counsel or prosecuting

attorney) approving the performance of such acts by such certified law student or generally by any certified law student; and

- (D) As a condition to such appearance, either presents a copy of the consent form to the arbitrator, court, public agency, referee, magistrate, commissioner, or hearing officer, or files a copy of the consent form in the court case file; and
- (4) Appear on behalf of a government agency in the prosecution of criminal actions classified as infractions or other such minor criminal offenses with a maximum penalty or a fine equal to the maximum fine for infractions in California, including any public trial:
 - (A) Subject to approval by the court, commissioner, referee, hearing officer, or magistrate presiding at such public trial; and
 - (B) Without the personal appearance of the supervising attorney or any deputy, assistant, or other staff attorney authorized and designated by the supervising attorney, but only if the supervising attorney or the designated attorney has approved in writing the performance of such acts by the certified law student and is immediately available to attend the proceeding.

(Subd (d) amended effective January 1, 2007.)

(e) Failure to comply with program

A certified law student who fails to comply with the requirements of the State Bar certified law student program must have his or her certification withdrawn under rules adopted by the Board of Trustees of the State Bar.

(Subd (e) amended effective January 1, 2019; previously amended effective January 1, 2007.)

(f) Fee and penalty

The State Bar has the authority to set and collect appropriate fees and penalties for this program.

(Subd (f) amended effective January 1, 2007.)

(g) Inherent power of Supreme Court

Nothing in these rules may be construed as affecting the power of the Supreme Court to exercise its inherent jurisdiction over the practice of law in California.

(Subd (g) amended effective January 1, 2007.)