



## SUPREME COURT OF GEORGIA

Atlanta March 12, 2015

The Honorable Supreme Court met pursuant to adjournment.  
The following order was passed:

It is hereby ordered that Part XV of the Rules of the Supreme Court of the State of Georgia be amended by implementing the new Student Practice Rule, Rules 91-95, to take the place of the Third-Year Law Students Rule, Rules 91-96. The new Rule broadens the scope of student practice under the Rule and authorizes second-year students, as well as third-year students, to be eligible to assist in representing persons otherwise unable to obtain access to justice.

It is further ordered that the State Bar of Georgia is directed to consider incorporating or cross-referencing this amended Rule of the Supreme Court in Bar Rule 1-203 (Practice by Active Members; Nonresidents) and Rule 5.5 (Unauthorized Practice of Law; Multijurisdictional Practice of Law) of the Georgia Rules of Professional Conduct found in Bar Rule 4-102 (d).

The amendment shall take effect on August 15, 2015. Notwithstanding that the Student Practice Rule shall supersede the Third-Year Law Students Rule on that date, any law student authorized by a judge as of that date to assist in proceedings pursuant to the Third-Year Law Students Rule may continue to do so until such time as the student has been registered under the new Student Practice Rule.

Amended Part XV, Rules 91-95 shall read as follows:

### **XV. STUDENT PRACTICE RULE**

**Rule 91. Purpose.** The purpose of this Rule is to recognize and support experiential learning opportunities that currently exist for law students in Georgia and to broaden the potential range of such opportunities, thereby expanding access to justice through the work of properly qualified and supervised law students who are permitted, as if admitted and licensed to practice law, to represent and appear on behalf of units of government and persons unable to afford legal services. By expanding the range of work that law students may do as if admitted to practice, this

Rule does not, however, address nor intend in any way to restrict the wide variety of activities in which law students currently assist lawyers in their practice of law, including both law school educational programs and traditional work as law clerks.

**Rule 92. Activities Permitted by a Registered Law Student.** An eligible law student registered for student practice pursuant to this Rule, when under the supervision of a member of the State Bar of Georgia, may, as if admitted and licensed to practice law in Georgia, advise, prepare legal instruments, appear before courts and administrative agencies and otherwise take action on behalf of:

- (1) any state, local, or other government unit or agency;
- (2) any person who is unable financially to pay for the legal services of an attorney; or
- (3) any non-profit organization the purpose of which is to assist low or moderate income persons.

When a registered law student appears before a court or agency, the judge or presiding officer has authority to prescribe the form and manner by which such student may participate in proceedings. A registered law student may neither ask for nor receive any compensation or remuneration of any kind from any client for whom the student renders services; but this shall not prevent the student from receiving compensation, or a scholarship, stipend or other remuneration from a law school, governmental entity, or other non-profit agency in acknowledgment of the services the student is performing. Nothing in this Rule prohibits a supervising attorney, or organization employing such supervising attorney, from applying for, charging, or collecting a fee relating to activities of the registered law student authorized by this Rule that the attorney or organization otherwise may properly apply for, charge, or collect. Communications between the client of a supervising attorney and a registered law student shall be privileged to the same extent as communications protected by attorney-client privilege and work product doctrine and protected as confidential under the Georgia Rules of Professional Conduct, and the presence of a registered law student during communications between the supervising attorney and the client shall not waive any otherwise applicable evidentiary privilege or duty of confidentiality.

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 nor the right of lawyers to use assistants in their practice as

permitted by the Georgia Rules of Professional Conduct.

**Rule 93. Requirements for Registration.** A law student is eligible for registration if the student:

- (1) is enrolled at the time of original registration in a school of law approved by the American Bar Association; and
- (2) has completed at the time of original registration legal studies equivalent to at least two semesters of full-time study.

**Rule 94. Procedure for Registration.** To register an eligible law student under this Rule, the student's law school must file with the Office of Bar Admissions the following:

- (1) certification by the law school dean that:
  - (a) the student has completed legal studies equivalent to at least two semesters of full-time study,
  - (b) the student is currently in good academic standing, and
  - (c) to the best of the knowledge of the dean, the student is of good moral character and is prepared to begin the work described under this Rule;
- (2) certification by the law student that the student has read and is familiar with the Georgia Rules of Professional Conduct and that the student will comply with all provisions of the Georgia Rules of Professional Conduct applicable to activities undertaken by the student pursuant to this Rule; and
- (3) an oath signed by the student including at a minimum the following affirmations or equivalent statements:
  - (a) "I will support the Constitution of the United States and the Constitution of the State of Georgia."
  - (b) "I will maintain the respect due to courts of justice and judicial officers."
  - (c) "I will employ such means only as are consistent with truth and honor, and will never seek to mislead by any artifice or false statement of fact or law."
  - (d) "I will maintain and protect all confidences entrusted to me."
  - (e) "I will in all other respects conduct myself personally and professionally in conformity with the high standards of conduct imposed upon members of the State Bar of Georgia."

The registration shall remain in effect until the student's graduation from law school unless terminated.

Upon determining that a student has complied with the above requirements for registration, the Office of Bar Admissions shall assign a number identifying the registered student and provide to the student evidence of registration, which may be in either electronic or printed form. The registered student shall include this identifying number on the signature line of any document prepared pursuant to Rule 95(4), and shall produce evidence of registration upon request when appearing before any court or tribunal of this state.

The Director of the Office of Bar Admissions may terminate registration at any time without prior notice or hearing and without any showing of cause. The Director of the Office of Bar Admissions shall terminate registration upon receipt of notice from the law school dean that:

- (1) the student has been placed on academic probation;
- (2) the student is no longer enrolled at the law school; or
- (3) the dean has determined to terminate the dean's prior certification, which the dean may do at any time without prior notice or hearing and without any showing of cause.

The dean of the student's law school may designate an associate or assistant dean or other appropriate law school official to file certifications and notices under this provision on the dean's behalf.

**Rule 95. Supervision of a Registered Law Student.** An attorney who supervises a registered law student shall:

- (1) confirm that the certifications required by this Rule have been filed with the Office of Bar Admissions and that registration has not been terminated;
- (2) have personal and professional responsibility for all activities of the student registered pursuant to this Rule and ensure that the student is covered by an adequate amount of malpractice insurance unless the supervising attorney is a public prosecutor or otherwise an official protected by governmental immunity;
- (3) counsel and assist the student, and in particular provide guidance in matters of professional responsibility and legal ethics, in order to assure proper practical training of the student and effective representation of the person or entity receiving services in relation to activities of the student registered pursuant to this Rule;
- (4) review, approve and personally sign any document prepared by a student that is filed in any court or tribunal, and review and approve any document prepared by a student that would have binding legal effect on a person or entity receiving

services in relation to activities of the student registered pursuant to this Rule, and require that any document signed by a law student states that the student is acting as a registered law student pursuant to this Rule;

(5) obtain a signed consent from a person or entity being represented acknowledging that the supervising attorney is being assisted by the registered law student; and

(6) be physically present during the conduct of any grand jury investigation, administrative proceeding, hearing, trial, or other proceeding in which the registered law student appears unless the judicial officer of the court or tribunal in which the student is appearing determines that the physical presence of the supervising attorney is not necessary.

**Rule 96. Deleted.**

SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta

I hereby certify that the above is a true extract from the minutes of the Supreme Court of Georgia

Witness my signature and the seal of said court hereto affixed the day and year last above written.

 Clerk