Title 3. Programs and Services
Division 1. Prospective Members

Chapter 1. Practical Training of Law Students

Rule 3.1 Practical Training of Law Students Program

Practical Training of Law Students is a program that allows a supervised law student certified by the State Bar to negotiate and appear on behalf of a client in the limited circumstances permitted by Rule of Court 9.42 and these rules.[1]

Rule 3.2 Eligibility

(A) To be considered for the State Bar program for Practical Training of Law Students a law student must meet the eligibility requirements of Rule of Court 9.42(c).

(B) Other qualifications notwithstanding, a person is ineligible to apply for certification who

(1) is licensed to practice law in any jurisdiction; or

(2) has not taken the first California Bar Examination for which he or she is eligible.

Rule 3.3 Application

(A) To apply to be a certified law student, an eligible applicant must

(1) register as a general applicant for admission to the practice of law in California;[2] and

(2) submit an Application for Practical Training of Law Students Program[3] with

(a) the fee[4] set forth in the Schedule of Charges and Deadlines;

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[1] Rule of Court 9.24(a).

[2] Rule 4.3(G) defines "general applicant." Rule 4.16(B) explains the Application for Admission.

[3] See Rule 4.16(B).

[4] Rule of Court 9.24(f).

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(b) a current e-mail address not to be disclosed on the State Bar's Web site or otherwise to the public without the applicant's consent;

(c) a Declaration of Law School Official attesting that the law student meets the eligibility requirements of these rules and is qualified to be a certified law student, absent any subsequent notification to the contrary that the official agrees to provide; and

(d) a Declaration of Supervising Attorney attesting that for a specified period the attorney will supervise the applicant as required by these rules.

(B) Upon approval of the application, the State Bar issues a "Notice of Law Student Certification" ("notice") stating that the applicant is a certified participant in the program for Practical Training of Law Students for the period stated in the notice.[5]

Rule 3.4 Permitted activities

(A) A certified law student may engage only in the activities permitted by Rule of Court 9.42(d) under the conditions prescribed by that rule.

(B) Nothing in this rule prohibits a certified law student from providing advice or representation that might be provided by anyone who is not a member of the State Bar of California.

Rule 3.5 Duties of certified law student

A certified law student must

(A) act as a certified law student only during the period stated in the Notice of Law Student Certification;[6]

(B) at all times comply with Rule of Court 9.42 and these rules;

(C) maintain a current e-mail address with the State Bar;

(D) upon ceasing to be eligible for the program, promptly inform the State Bar and cease any activity that a certified law student is permitted to perform; and

(E) not claim in any way to be a member of the State Bar of California.

Rule 3.6 Supervising Attorney

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[5] See Rule 3.8.

[6] See Rule 3.8.

(A) "Supervising Attorney" is an active member of the State Bar of California in good standing who agrees to supervise a certified law student as required by these rules.[7] A member who is inactive, suspended, or subject to discipline, or who has resigned or been disbarred may not be a Supervising Attorney. In these rules, "Supervising Attorney" may also refer to a government agency attorney whom the Supervising Attorney delegates to supervise the permitted activities of a certified law student.

(B) A Supervising Attorney must

(1) be an active member of the State Bar of California who has practiced law in California or taught law in a law school as a full-time occupation for at least the two years before supervising a certified law student;

(2) supervise the permitted activities of a certified law student as specified by Rule 9.42(d);

(3) personally assume professional responsibility for any activity a certified law student performs pursuant to these rules;

(4) provide training and counsel that prepares a certified law student to satisfactorily perform an activity permitted by these rules in a manner that best serves the interest of a client;

(5) read, approve, and sign any document prepared by the certified law student for a client;

(6) supervise at one time no more than five certified law students or twenty-five if employed full-time to supervise law students in a law school or government training program; and

(7) promptly notify the State Bar that he or she no longer meets the requirements of these rules or that his or her supervision is ending before the period stated in the Notice of Certification.

Rule 3.7 Designation as certified law student

(A) A certified law student may use the title "Certified Law Student" and no other in connection with activities performed as a certified law student.

(B) On written materials prepared pursuant to these rules, a certified law student must use the title Certified Law Student with his or her name and provide the name of his or her Supervising Attorney.

Rule 3.8 Duration of certification

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[7] Rule of Court 9.42(a)(2).

(A) Subject to the exceptions set forth in this rule, a certified law student may perform an activity that complies with these rules for the period stated in the Notice of Law Student Certification.

(B) A student who graduates from law school during the period stated in the Notice of Law Student Certification and then takes the first California Bar Examination for which he or she is eligible may participate in the program until the State Bar releases results for that examination.

(C) Certification terminates before the end of the period stated in the Notice of Law Student Certification if

(1) the certified law student no longer meets the eligibility requirements of these rules;

(2) the certified law student requests that certification terminate on an earlier date;

(3) the certified law student fails to take the first California Bar Examination for which he or she is eligible; or

(4) the State Bar revokes certification.[8]

Rule 3.9 Revocation of certification

The State Bar may revoke certification for noncompliance with any applicable rule or law.[9] The State Bar must provide the certified law student a written notice of revocation. The revocation is effective ten days from the date of its transmission.

Rule 3.10 Request for review of revocation

A certified law student whose certification has been revoked may request review of the revocation. The request must be in writing and received by the State Bar no more than fifteen days from the date of transmission of the notice. Within sixty days of receiving the request, the State Bar must provide the certified law student with a written determination affirming or denying the revocation. The determination constitutes the final action of the State Bar.

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[8] See Rule 3.9.

[9] Rule of Court 9.24(e).

RULES GOVERNING THE PRACTICAL TRAINING OF LAW STUDENTS
(Revised effective June 1, 1997)

1.0 PURPOSE

The purpose of the Rules and Regulations Governing the Practical Training of Law Students is to provide for the operation of a program of practical training for law students as a valuable complement to academic classes.

2.0 DEFINITIONS

2.1 "Certified Student" is a law student who has a currently effective State Bar Notice of Certification as a Certified Student.

2.2 "Supervising Attorney" is an attorney who agrees to supervise the Certified Student pursuant to these Rules and whose name appears on the Application for Certification.

2.3 "Designated Attorney" is, exclusively in the case of government agencies, any deputy, assistant or other staff attorney authorized and selected by a Supervising Attorney to supervise the Certified Student where permitted by these Rules.

2.4 "Personal Presence" is the Supervising Attorney being in the physical presence of the Certified Student.

2.5 The "Rules" are these Rules and Regulations Governing the Practical Training of Law Students.

2.6 The "State Bar" is the chief executive officer of the State Bar, or a person or persons designated by the chief executive officer, who shall have the authority to administer and interpret these Rules.

2.7 "Period of Supervision" are the dates for which the supervising attorney has declared, on the Application for Certification or Recertification, he or she will be responsible for any work performed by the Certified Student under his or her supervision.

3.0 ELIGIBILITY FOR CERTIFICATION

To be eligible to become a Certified Student, an applicant must:

3.1 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;

3.2 Have been accepted into, and be enrolled in, the second, third or fourth years of law school in good academic standing or have graduated from law school, subject to the time period limitations set forth in section 8.0; and

3.3 Have either successfully completed or be currently enrolled in and attending, academic courses in evidence and civil procedure.

4.0 APPLICATION FOR CERTIFICATION

4.1 All applications for Certification or requests to change or add a Supervising Attorney or extend the period of certification pursuant to these Rules must be submitted:

4.1.1 On a form provided by the State Bar;

4.1.2 At the designated office of the State Bar;

4.1.3 With all the information requested on the form; and

4.1.4 Along with the appropriate nonrefundable processing fee.

4.2 The Application for Certification shall require the signature of the applicant, the Dean, Associate Dean, or Assistant Dean of the law school in which the applicant is enrolled and the Supervising Attorney, and shall provide for the following:

4.2.1 The applicant shall attest that he or she

4.2.1.1 meets all of the requirements of section 3.0;

4.2.1.2 shall immediately notify the State Bar in the event that he or she no longer meets the requirements of section 3.0; and

4.2.1.3 has read, is familiar with and will abide by the Rules of Professional Conduct of the State Bar of California and these Rules;

4.2.2 The Dean, Associate Dean, or Assistant Dean of the law school in which the applicant is enrolled shall attest that

4.2.2.1 the applicant meets the requirements of section 3.0;

4.2.2.2 he or she shall immediately notify the State Bar in the event that the Certified Student no longer meets the requirements of section 3.0; and

4.2.2.3 he or she has no knowledge of facts or information that would indicate that the applicant is not qualified by ability, training or character to participate in the activities permitted by these Rules; and

4.2.3 The Supervising Attorney shall

4.2.3.1 specify the period during which he or she will be responsible for and will supervise the applicant; and

4.2.3.2 attest that he or she has read, is familiar with, will abide by and will assume responsibility under the requirements of section 7.0.

5.0 PERMITTED ACTIVITIES AND REQUIREMENTS

5.1 A Certified Student may:

5.1.1 Negotiate for and on behalf of the client and/or give legal advice to the client, provided that the Certified Student

5.1.1.1 obtains the approval of the Supervising Attorney to engage in the

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activities;

5.1.1.2 obtains the approval of the Supervising Attorney regarding the legal advice to be given or plan of negotiation to be undertaken by the Certified Student; and

5.1.1.3 performs the activities under the general supervision of the Supervising Attorney;

5.1.2 Appear on behalf of the client in depositions, provided that the Certified Student

5.1.2.1 obtains the approval of the Supervising Attorney to engage in the activity;

5.1.2.2 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, the Designated Attorney); and

5.1.2.3 obtains a signed Consent Form from the client on whose behalf the Certified Student acts (exclusively in the case of government agencies when the government is the client, the chief counsel or prosecuting attorney shall have approved in writing on a Consent Form the performance of such acts by such Certified Student or generally by any Certified Student); and

5.1.3 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 Student

5.1.3.1 obtains the approval of the Supervising Attorney to engage in the activity;

5.1.3.2 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, the Designated Attorney);

5.1.3.3 obtains a signed Consent Form from the client on whose behalf the Certified Student acts (exclusively in the case of government agencies when the government is the client, the chief counsel or prosecuting attorney shall have approved in writing on a Consent Form the performance of such acts by such Certified Student or generally by any Certified Student); and

5.1.3.4 as a condition to such appearance, either first presents, or have previously presented, a copy of the Consent Form to the arbitrator, court, public agency, referee, magistrate, commissioner or hearing officer, or file a copy of the Consent Form in the court case file.

5.2 A Certified Student may 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:

5.2.1 Subject to approval by the court, commissioner, referee, hearing officer or magistrate presiding at such public trial;

5.2.2 Without the personal appearance of the Supervising Attorney or any deputy, assistant or other staff attorney authorized as the Designated Attorney 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 Student and is immediately available to attend the proceeding; and

5.2.3 With a signed Consent Form from the client on whose behalf the Certified Student acts (exclusively in the case of government agencies when the government is the client, the chief counsel or prosecuting attorney shall have approved in writing on a Consent Form the performance of such acts by such Certified Student or, generally by any Certified Student).

5.3 Nothing in section 5.0 shall prevent a Certified Student from performing any advisory or representational activity which could be performed by a person who is not a member of the State Bar of California.

6.0 USE OF THE TITLE OF "CERTIFIED STUDENT"

6.1 In connection with activities performed pursuant to these Rules, a Certified Student may use the title "Certified Student" only and may not use any other title than "Certified Student." A Certified Student may not use the title "Certified Student" in connection with activities not performed pursuant to these Rules.

6.2 Where a Certified Student's name is printed or signature is included on written materials prepared pursuant to these Rules, the written material must also:

6.2.1 state that the Certified Student is a Certified Student pursuant to these Rules;

6.2.2 state the name of the supervising Attorney;

6.2.3 state that the Supervising Attorney is the Supervising Attorney pursuant to these Rules; and

6.2.4 comply with the requirements of section 7.5.

6.3 A Certified Student may not in any way hold himself or herself out as a member of the State Bar of California.

6.4 Nothing in these Rules is intended to prohibit a Certified Student from describing his or her participation in this program on a resume or letter seeking employment as long as the description is not false, deceptive or misleading.

7.0 DUTIES AND REQUIREMENTS OF THE SUPERVISING ATTORNEY

The Supervising Attorney shall:

7.1 Be an active member of the State Bar of California and, before supervising the activities specified in section 5.1, shall have practiced law or taught law in a law school as a full-time occupation for at least two years;

7.2 Supervise no more than five (5) Certified Students concurrently, provided, however, that a Supervising Attorney who is employed full-time to supervise law students as part of an organized law school or government agency training program, may supervise up to, but in no case more than, 25 Certified Students;

7.3 Assume personal professional responsibility for any work performed by the Certified Student while under his or her supervision;

7.4 Assist and counsel the Certified Student in the activities authorized by these Rules and review such activities with the Certified Student, all to the extent required for the proper practical training of the Certified Student and the protection of the client;

7.5 Read, approve, and personally sign any pleadings, briefs or other similar documents prepared by the Certified Student prior to the filing thereof, and read and approve any documents which shall be prepared by the Certified Student for execution by any person who is not a member of the State Bar of California prior to submission thereof for execution (exclusively in the case of government agencies, a Designated Attorney may, in the place of the Supervising Attorney, perform the obligation set forth in this subparagraph, but the Supervising Attorney shall still provide general supervision);

7.6 Provide the level of supervision to the Certified Student required by sections 5.1 and 5.2 (exclusively in the case of government agencies, a Designated Attorney may, in the place of the Supervising Attorney, perform the obligation set forth in this subparagraph, but the Supervising Attorney shall still provide general supervision); and

7.7 Promptly notify the State Bar in writing if his or her supervision of the Certified Student will cease prior to the date indicated on a Notice of Certification.

8.0 DURATION OF CERTIFICATION

Certification by the State Bar shall commence on the date indicated on a Notice of Certification and shall remain in effect for the period specified on the Notice of Certification unless sooner terminated pursuant to the earliest of the following occurrences:

8.1 The Certified Student requests termination of the certification in writing and receives an acknowledgement letter from the State Bar stating the effective date of the termination;

8.2 The Certified Student notifies the State Bar that he or she no longer meets the requirements of section 3.0, and in such event the State Bar shall send written notice to his or her Supervising Attorney;

8.3 The Supervising Attorney notifies the State Bar in writing that his or her supervision of the Certified Student will cease prior to the date specified in the Notice of Certification and in such event the State Bar shall send written notice to the Certified Student;

8.4 The Dean notifies the State Bar that the Certified Student no longer meets the requirements of section 3.0, and in such event the State Bar shall send written notice to the Certified Student and his or her Supervising Attorney;

8.5 The Certified Student fails to take, or is notified that he or she has not passed, the first General Bar Examination for which he or she is eligible;

8.6 On the July 31 following the first General Bar Examination for which the Certified Student is eligible if the exam occurs in winter, or the December 31 following the first General Bar Examination for which the Certified Student is eligible if the exam occurs in summer;

8.7 Certification is withdrawn by the State Bar as provided in section 9.1.

9.0 WITHDRAWAL OF CERTIFICATION

9.1 Certification may be withdrawn by the State Bar if any of the requirements for the certification no longer exist or the Certified Student, Supervising Attorney or Designated Attorney fails to comply fully with any provision of these Rules or any other pertinent statute, rule or regulation.

9.2 All proceedings or other actions related to the withdrawal of certification by the State Bar, except those relating to withdrawal of the Supervising Attorney, failure to pay the nonrefundable processing fee or ceasing to be enrolled in a law school prior to graduation, shall be pursuant to the following process:

9.2.1 The State Bar shall mail a Notice of Withdrawal of Certification to the Certified Student, to his or her Supervising Attorney and Dean, Associate Dean or Assistant Dean;

9.2.2 The Notice shall set forth the reasons for the termination and describe the process set forth in this section;

9.2.3 The termination shall be effective ten (10) days from the date on which the State Bar mails the Notice;

9.2.4 Upon receipt of the Notice, the Certified Student may contact the State Bar in writing and request a hearing to stay the termination, which hearing the State Bar may allow or disallow upon good cause

shown;

9.2.5 Within fifteen (15) days of mailing of the Notice of Withdrawal of Certification, the Certified Student may contest the termination by sending to the State Bar written request for a hearing to show good cause why he or she should be recertified;

9.2.6 The hearing permitted by section 9.2.5 shall be commenced within 60 (sixty) days of the State Bar's receipt of the request; and

9.2.7 Should the outcome of the hearing permitted by section 9.2.5 be adverse to the Certified Student, the Certified Student may appeal such decision pursuant to the provisions of California Rule of Court 9.13(d).