

**Rule 9. Limited practice by law school clinic supervising attorneys and law students.**

(a) *Purpose of rule.* The bench and the bar are primarily responsible for providing competent legal service for all persons, including those unable to pay for these services. This rule is adopted as one means to assist practicing attorneys to provide such services and to encourage clinical instruction by the College of Law of the University of Wyoming in various legal work.

(b) *Definitions.*

(1) A "clinical law program," for purposes of these Rules, is a program in which law students qualified pursuant to this rule receive instruction regarding law practice and engage in limited practice of law under the supervision of an attorney.

(2) "Eligible law student" means a person who is duly enrolled (or is in the period

between semesters and in good standing) in a law school accredited by the American Bar Association and has completed at least two semesters of full-time study, or is a graduate thereof during the time prior to announcement of the results of the first bar examination given after such graduation; and

(A) has been certified by the dean or designee of the law school as being of good academic standing and to be of good character and competent legal ability;

(B) has filed an affidavit with the Wyoming Supreme Court that the student will comply with the ethical standards set forth in the Rules of Professional Conduct for Attorneys at Law; and

(C) has been identified as a student and accepted in writing by the client.

(3) "Indigent person" means the person to be represented shall meet the income-and-asset criteria within the poverty guidelines of the Wyoming Center for Legal Aid.

(4) "Supervising attorney" means

(A) if supervising a case in any court, agency, or administrative tribunal of the State of Wyoming, a member of the Wyoming State Bar or a law school clinic supervising attorney not a member of the Wyoming State Bar but certified pursuant to the provisions of these Rules; or

(B) if supervising a case in any court, agency, or tribunal of the United States or another state of the United States, an international tribunal, or court or agency of another country, an attorney allowed to practice under the rules governing practice before that tribunal in which representation is provided.

(5) "Limited practice of law" means advising others and taking action for them in matters. It includes preparation of legal instruments and acting or proceeding for another before judges, courts, tribunals, commissioners, boards or other governmental agencies.

(c) *Duties of Supervising Attorney.* Any attorney who supervises a student shall:

(1) assume personal professional responsibility for and supervision of the student's work;

(2) assist the student to the extent necessary to ensure that the student's participation is effective on behalf of any client represented;

(3) sign all pleadings, briefs, and other documents prepared for a case and delivered to any tribunal for which representation is provided pursuant to these rules;

(4) appear with the student in all trials and administrative hearings, but the designated supervising attorney need not be personally present in court in other matters, civil or criminal, when the client consents thereto in writing and with approval of the court

in which the matter is pending;

- (5) appear with the student at all other proceedings unless the attorney deems his or her personal appearance unnecessary to assure proper supervision. This authorization shall be made in writing and shall be available to the judge or other official conducting the proceedings upon request; and
- (6) be present in court in any criminal matter in which the client has the right to the assignment of counsel under any constitutional provision, statute, or rule of this court.
- (7) A supervising attorney other than a law school clinic supervising attorney shall not supervise more than three (3) students at any time.

(d) *Law school clinic supervising attorneys.* A law school clinic supervising attorney not a member of the Wyoming State Bar but certified pursuant to the provisions of this rule may appear as a lawyer, solely in connection with supervision of a clinical law program approved by the dean and faculty of the College of Law of the University of Wyoming, in any court or before any administrative tribunal in this state on behalf of any person, if the person on whose behalf he is appearing has indicated in writing his consent to that appearance. Such written consent shall be filed in the record of the case and shall be brought to the attention of the judge of the court or the presiding officer of the administrative tribunal.

(1) Requirements and limitations. In order to make an appearance as a lawyer pursuant to this rule, the law school clinic supervising attorney must:

- (A) Be duly employed as a faculty member of the College of Law of the University of Wyoming for the purpose, *inter alia*, of instructing and supervising a clinical law program approved by the dean and faculty of the law school;
- (B) Be a member in good standing of the Wyoming State Bar or the bar of another jurisdiction;
- (C) Neither ask nor receive any compensation or remuneration of any kind for his services from the person on whose behalf he renders services; and
- (D) Certify in writing that he has read and is familiar with the Wyoming Rules of Professional Conduct, the rules of this Court and the Wyoming statutes relating to the conduct of lawyers.

(2) Certification of law school clinic supervising attorneys.

- (A) The certification of a law school clinic supervising attorney by the dean of the College of Law of the University of Wyoming shall be filed with the clerk of the Supreme Court and with the Wyoming State Bar and shall remain in effect until withdrawn.
- (B) A law school clinic supervising attorney certification:
  - (i) May be withdrawn by the dean of the College of Law at any time by filing a notice to that effect with the clerk of the Supreme Court who shall forthwith mail copies thereof to the law school clinic supervising attorney. **It is not necessary that the notice state the cause for withdrawal;**
  - (ii) May be terminated by the Supreme Court at any time without cause and without notice or hearing. Notice of the termination shall be filed with the clerk of the Supreme Court and with the Wyoming State Bar; and
  - (iii) The procedures otherwise provided by law or court rules governing the discipline of lawyers shall not be applicable to the termination of the certification of a law school clinic supervising attorney pursuant to this rule. Termination of certification shall be without prejudice to the privilege of the

individual to make application for admission to the Wyoming State Bar.

(3) Applicability of rules. The rules of law and of evidence relating to privileged communications between attorney and client shall govern communications made or received by individuals certified under the provisions of this rule. All persons participating in a program of instruction pursuant to which an individual is certified under this rule are enjoined not to disclose privileged or confidential communications whether in the implementation of a course of instruction or otherwise.

(e) *Limited practice by law students.* An eligible law student may engage, as an intern, in the limited practice of law if:

- (1) The person to be represented consents in writing to legal assistance to be provided by the student; and
- (2) the law student is under the general supervision of an active member of the Wyoming State Bar (when the student is an intern with any entity, the supervising lawyer shall be specified); or
- (3) the law student is under the supervision of a law school clinic supervising attorney, under the following conditions:
  - (A) The student is certified as outlined subsection (4) below;
  - (B) The person to be represented shall be indigent as defined in section (b)(3) of this Rule or who, because of limited financial ability or the nature of the claim, would be unlikely to obtain legal representation, or any non-profit organization if the client or non-profit organization has consented in writing to that appearance or representation; and
  - (C) Neither the student nor the law school clinic supervising attorney shall ask for or receive any compensation or remuneration of any kind for the services rendered to the indigent, except that law school clinic supervising attorneys may receive their regular pay from the University of Wyoming College of Law.
- (4) Certification of eligible law students.
  - (A) Certification by the dean or designee of the law school of the student's good academic standing, good character and competent legal ability shall be filed with the Supreme Court. The dean or designee of the law school shall promptly notify the Supreme Court of any changes affecting the certification.
  - (B) The certification shall remain in effect until the date of the first bar examination following the student's graduation, and as to a student taking that examination, until the announcement of the results thereof. For any student who passes that examination, the approval shall continue in effect for three months after the date of examination or until the date of his admission to the bar, whichever is sooner. The certification shall terminate if withdrawn by the dean or designee or ordered by the Supreme Court.

(f) *Limited practice by students engaged in the study of law pursuant to Wyo.Stat. Ann. § 33-5-105.* A person studying law in the office of a member of the Wyoming State Bar pursuant to Wyo.Stat. Ann. § 33-5-105 (1977) may engage as an intern in the limited practice of law under the general supervision of the lawyer under whom the person is studying, conditioned as follows:

- (1) The student has:
  - (A) satisfactorily completed one (1) year of office legal studies as approved in advance by the Board of Law Examiners and satisfactorily completed two
  - (2) semesters of legal studies or the equivalent thereof in a law school approved

by the American Bar Association; or

- (B) satisfactorily completed two (2) years of office legal studies as approved in advance by the Board of Law Examiners and be enrolled in the University of Wyoming College of Law;
- (2) The student has been certified to the Wyoming Supreme Court by the supervising lawyer to be eligible as provided in this rule;
- (3) The student has filed an affidavit with the Wyoming Supreme Court as an agreement to comply with the ethical standards set forth in the Rules of Professional Conduct for Attorneys at Law; and
- (4) The person to be represented consents in writing to legal assistance to be provided by the student.
- (5) The supervising lawyer shall be present whenever the student appears before any court, tribunal, commission, board or other governmental agency of the state, and such appearance shall not be waived by such court, tribunal, commission, board or other governmental agency.
- (6) A lawyer shall not supervise more than one **(1)** student at any one time.

(g) *Withdrawal of certification.* Certification by the dean or designee of the law school or by a supervising lawyer under whom a student is studying pursuant to Wyo.Stat. Ann. § 33-5-105 (1977) may be withdrawn without cause upon notice of such to the Supreme Court; and the Supreme Court may terminate the practice of law by any student at any time without hearing or showing of cause.