

STATE OF MINNESOTA

IN SUPREME COURT

ADM09-8002

ORDER PROMULGATING AMENDMENTS TO THE SUPERVISED PRACTICE RULES

On July 25, 2024, the Minnesota State Board of Law Examiners (Board) filed a petition proposing amendments to the Supervised Practice Rules to remove the restriction that supervised practice terminates upon failure of the bar examination and to allow certification for two years following graduation. The Board also proposed an amendment to allow a one-month grace period to allow law student practitioners to convert to supervised practitioners if they are working for the same employer at graduation. The Board's July 25, 2024 petition is available on the public access site for the Minnesota Appellate Courts, under case number ADM09-8002, Petition of the Minnesota State Board of Law Examiners for Amendment of the Supervised Practice Rules (filed July 25, 2024).

On August 8, 2024, we opened a public comment period. One joint comment was filed by the Professional Regulation Committee of the Minnesota State Bar Association and the New Lawyers Section of the Minnesota State Bar Association in support of the proposed amendments.

Having carefully considered the Advisory Committee's recommendations and the public comments, we agree with the proposed amendments. We have also updated the numbering convention in Rule 11 to be consistent with the other Supervised Practice Rules.

IT IS HEREBY ORDERED that the petition of the Board of Law Examiners is granted. The attached amendments to the Supervised Practice Rules are prescribed and promulgated, effective October 1, 2024.

Dated: September 24, 2024

BY THE COURT:

A handwritten signature in black ink, appearing to read "Natalie E. Hudson". The signature is written in a cursive style with a prominent initial "N".

Natalie E. Hudson
Chief Justice

SUPERVISED PRACTICE RULES

[Note: In the following amendments, deletions are indicated by a line drawn through the words and additions are indicated by a line drawn under the words.]

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Rule 2. Definitions.

In these Rules,

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B. “Eligible recent graduate” means a person who meets the following criteria:

- (1) has graduated from an ABA approved law school within the previous ~~18~~ 24 months;
- (2) has been certified by the dean or designee of the law school as qualified to participate, either in paid or unpaid capacity, in supervised legal employment or placement to provide legal services to clients as a supervised practitioner.

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G. “Supervised practitioner” means an individual certified under these Rules who has graduated from an ABA approved law school within the previous ~~18~~ 24 months.

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Rule 4. Obligations of Law School.

A. Certification: A law school seeking to certify or recertify eligible law students or recent graduates under these Rules shall file with the Board a statement signed by the dean or dean’s designee stating the following:

- (1) The name of each eligible law student or recent graduate;
- (2) Verification that the individual is either in good academic standing or has graduated from the law school;
- (3) For eligible recent graduates, the date on which the graduate’s degree was conferred;
- (4) For eligible law students, confirmation that the student has completed the equivalent of at least two semesters of full-time study;

- (5) The name of the supervising lawyer who has agreed to supervise the individual's work; in the case of an entity, the name of the contact at the legal employer that will verify that all work is properly supervised;
- (6) For student observers, confirmation that the placement is part of an academic program or course for academic credit;
- (7) A statement that the law school will notify the Board in writing upon notice that any of the following have occurred:
 - (a) The law student practitioner or student observer is placed on academic probation;
 - (b) The law student practitioner graduates from law school;
 - (c) The supervising lawyer advises the school that the employment or placement of the law student or supervised practitioner has ended.
 - (d) The law school becomes aware that the supervised practitioner:
 - ~~(1) Has failed the bar examination any jurisdiction; or~~
 - ~~(2) H~~as been admitted to the bar of any jurisdiction.

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Rule 5. Obligations of Supervising Lawyer.

- A. When supervising a law student practitioner or supervised practitioner, the supervising attorney shall:
 - (1) Assume personal professional responsibility for and supervision of the law student or supervised practitioner;
 - (2) Sign all pleadings;
 - (3) Ensure the law student or supervised practitioner is identified to the client and the tribunal and knowingly accepted by both;
 - (4) Appear with the law student or supervised practitioner in all trials and all other proceedings, except in a proceeding where the client and judge or judicial officer waives the appearance after accepting the representation made by the supervising lawyer that the law student or supervised practitioner is prepared to proceed alone;
 - (5) Provide appropriate supervision and assistance as needed;
 - (6) Send written notice to the law school and the Board if the supervising lawyer terminates the supervisory relationship with the law student or supervised practitioner for any reason; ~~and~~
 - (7) Confirm knowledge on the supervised practitioner's examination status; and
 - (8) Abide by all obligations set forth in these Rules.

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Rule 10. Period of Certification; Recertification.

- A. A law student practitioner may be initially certified for a period of 12 months, and may renew certification for a period of 12 months provided the law student remains supervised by the same supervising attorney;

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- C. A supervised practitioner may be certified for a period of ~~18~~ 24 months from the date of degree conferral.

Rule 11. Termination of Certification.

- A. Certification as a law student practitioner terminates when the first of the following occurs:
 - (~~a~~1) Twelve months has elapsed from the most recent certification;
 - (~~b~~2) The law school, placement entity, or supervising lawyer sends written notice to the Board that the supervising lawyer is no longer willing to supervise the law student practitioner;
 - (~~e~~3) The student practitioner resigns or is terminated from the qualifying position; ~~or~~
 - (~~d~~4) The law school places the law student on academic probation; or
 - (5) One month has elapsed since the date of graduation.

- B. Certification as a supervised practitioner terminates when the first of the following occurs:
 - (~~a~~1) The law school, placement entity, or the supervising lawyer sends written notice to the Board that the supervising lawyer is no longer willing to supervise the supervised practitioner;
 - (~~b~~2) The supervised practitioner resigns or is terminated from the qualifying position;
 - (~~e~~3) The supervised practitioner is admitted to the bar in any jurisdiction; or
 - (~~d~~) ~~The supervised practitioner fails the bar examination in any jurisdiction; or~~
 - (~~e~~4) ~~18~~ 24 months has elapsed from the date of degree conferral.

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