



**ATTACHMENT A\***  
**(Amendments Adopted on an Experimental Basis in September 2007 and  
Made Permanent by this Order)**

**Rule 38 (d) Rules of the Supreme Court**

**(d) Clinical Law Professors and Law Students**

1. *Purpose.* The bench and the bar are primarily responsible for providing competent legal services for all persons, including those unable to pay for these services. This rule is adopted as one means of providing assistance to practicing attorneys in providing such services and to encourage law schools to provide clinical instruction in trial work of varying kinds and to facilitate volunteer opportunities for students in pro bono contexts.

2. [No change]

3. *Activities of Law Students.*

A. An eligible law student meeting the requirements of paragraph (d)(5) may appear in any court or before any administrative tribunal in this state on behalf of any person if the person on whose behalf the student is appearing has consented in writing to that appearance and the supervising lawyer has also indicated in writing approval of that appearance, in the following matters:

i.-iii. [No change]

Notwithstanding anything hereinabove set forth, the court may at any time and in any proceeding require the supervising lawyer to be personally present for such period and under such circumstances as the court may direct.

B. An eligible law student meeting the requirements of paragraph (d)(5) may also appear in any criminal matter on behalf of the state or any political subdivision thereof with the written approval of the prosecuting attorney or that attorney's authorized representative. In all appearances in criminal cases a supervising lawyer must be present except when such appearance is in justice, municipal, or magistrate courts.

C. In each case, the written consent and approval referred to above 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. In addition, the student shall orally advise the

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\* Changes or additions in text are indicated by underlining and deletions from text are indicated by ~~strikeouts~~.

court on the occasion of the student's initial appearance in the case of the certification to appear as a law student pursuant to this rule.

D. Under the general supervision of the supervising lawyer, but outside his personal presence, an eligible law student meeting the requirements of paragraph (d)(5) may engage in other activities, including:

i-iv. [No change]

E. An eligible law student meeting the requirements of paragraph (d)(5) may participate in oral argument in this Court and the court of appeals, but only in the presence of the supervising lawyer.

F. Students who meet the requirements of (d)(6) below may, at the invitation and request of the court, provide assistance to unrepresented individuals in uncontested civil proceedings without entering an appearance as counsel. Such students must be directly supervised in person by an attorney associated with a volunteer legal services program as described in (d)(6)(B).

G. Except for students participating under the requirements of (d)(6) below, All activities under this rule must be part of the law school's educational and clinical law practice program approved by the dean and faculty of the College of Law of the University of Arizona or the College of Law of Arizona State University, or other law school's juris doctorate program approved and accredited by the American Bar Association. A written statement of the contents of the school's educational and clinical law practice program of the Arizona State University or University of Arizona College of Law or other law school's juris doctorate program approved and accredited by the American Bar Association shall be filed with the executive director of the state bar not later than thirty days prior to the commencement of the program.

4. [No change]

5. Requirements and Limitations for Law Students. Except for students making an appearance pursuant to paragraph (d)(3)(F), in order to make an appearance pursuant to this rule, the law student must:

A.- E. [No change]

6. Requirements and Limitations for Law Students making appearances pursuant to paragraph (d)(3)(F). The law student must:

A. During the academic year, be duly enrolled in the University of Arizona or Arizona State University or any other American Bar Association accredited law school in the State of Arizona, and during the summer, must be in good standing at the University of Arizona, Arizona State

University, or any other accredited law school in the State of Arizona and intending to return, or have graduated and be studying for the Arizona Bar;

B. Be participating in a volunteer legal services program managed by an approved legal services organization in cooperation with the University of Arizona College of Law, the Arizona State University College of Law, or any other American Bar Association accredited law school in the State of Arizona;

C. Be directly supervised in person by an attorney associated with such volunteer legal services program;

D. Receive written consent and acknowledgment of non-representation by the unrepresented person, which written consent shall be obtained by the volunteer legal services program and brought to the attention of the court by the volunteer legal services program.

6Z. Certification for Students Making an Appearance Pursuant to Paragraph (d)(3)(A)-(E):

A. The certification of a clinical law professor by the law school dean shall be filed with the clerk of this Court and with the state bar and shall remain in effect until withdrawn.

B. The certification of a law student making an appearance pursuant to paragraph (d)(3)(A)-(E): by the law school dean shall be filed with the clerk of this Court and with the state bar and, unless it is sooner withdrawn, it shall remain in effect until the expiration of eighteen months after it is filed or until the announcement of the results of the first bar examination following the student's graduation, whichever is earlier. As to any student who passes that examination, the certification shall continue in effect until the date the student is admitted to the bar.

C.-D. [No change]

8.-9. [No change]

**ATTACHMENT B\***  
**(Amendments Adopted September 2008, effective January 1, 2009)**

**Rule 38 (d) Rules of the Supreme Court**

**(d) Clinical Law Professors and Law Students**

1.-2. [No change]

3. *Activities of Law Students.*

A.-E. [No change]

F. Students who meet the requirements of paragraph (d)(6) below may, at the invitation and request of the court, appear as a law student volunteer to assist the proceeding in any civil matter involving an otherwise provide assistance to ~~unrepresented individuals in an uncontested civil proceedings~~ without entering an appearance as counsel. Such students must be directly supervised in person by an attorney associated with a volunteer legal services program as described in paragraph (d)(6)(B).

G. Except for students participating under the requirements of paragraph (d)(6) below, all activities under this rule must be part of the law school's educational and clinical law practice program approved by the dean and faculty of ~~the College of Law of the University of Arizona or the College of Law of Arizona State University, or other law school's juris doctorate program approved and accredited by the American Bar Association~~ a law school either provisionally or fully approved and accredited by the American Bar Association. A written statement of the contents of the school's educational and clinical law practice program of the ~~Arizona State University or University of Arizona College of Law or other law school's juris doctorate program~~ either provisionally or fully approved and accredited by the American Bar Association shall be filed with the executive director of the state bar not later than thirty days prior to the commencement of the program.

4. [No change]

5. [No change]

6. *Requirements and Limitations for Law Students making appearances pursuant to paragraph (d)(3)(F).* The law student must:

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\* Changes or additions in text are indicated by underlining and deletions from text are indicated by ~~strikeouts~~.

A. During the academic year, be duly enrolled in ~~the University of Arizona or Arizona State University or any other American Bar Association accredited~~ a law school in the State of Arizona which is either provisionally or fully approved and accredited by the American Bar Association, and during the summer, ~~must be in good standing at the University of Arizona, Arizona State University, or any other~~ a provisionally or fully approved and accredited law school in the State of Arizona and intending to return, or have graduated and be studying for the Arizona Bar;

B. Be participating in a volunteer legal services program managed by an approved legal services organization in cooperation with ~~the University of Arizona College of Law, the Arizona State University College of Law, or any other American Bar Association~~ a provisionally or fully approved and accredited law school in the State of Arizona;

C.-D. [No change]

7. *Certification for Students Making an Appearance Pursuant to paragraph (3)(3)(A)-(E):*

A. [No change]

B. The certification of a law student making an appearance pursuant to paragraph (d)(3)(A)-(E) by the law school dean shall be filed with the clerk of this Court and with the state bar and, unless it is sooner withdrawn, it shall remain in effect until the expiration of eighteen months after it is filed or until the announcement of the results of the first bar examination following the student's graduation, whichever is earlier. As to any student who passes that examination, the certification shall continue in effect until the date the student is admitted to the bar.

C.-D. [No change]

8.-9. [No change]