

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
AUTHORIZING TEMPORARY) Administrative Order
CERTIFICATION OF LEGAL) No. 2022 - 175
PARAPROFESSIONAL STUDENTS)
TO PROVIDE LIMITED LEGAL)
SERVICES WHILE PARTICIPATING)
IN A LAW SCHOOL CLINIC)

)

Beginning January 1, 2021, Arizona Supreme Court Rule 31.3(e)(4) created an exception to the prohibition of the unauthorized practice of law and authorized certified legal paraprofessionals to provide limited legal services as specified in the Arizona Code of Judicial Administration (“ACJA”). Once licensed in one or more areas of practice, legal paraprofessionals are authorized to render the legal services specified in ACJA § 7-210 (F)(1), within the scope of the practice area(s) endorsed on their license, without the supervision of an attorney. Legal paraprofessionals may be licensed in the practice areas of family law, limited jurisdiction civil, criminal law, and administrative law. ACJA § 7-210 (F)(2) prescribes limitations on the scope of the legal paraprofessional’s authorized practice in each of these areas.

Under ACJA § 7-210(E)(3)(b), the requirements for certification of Legal Paraprofessionals include various combinations—depending on the applicant’s route to licensure and the area of law in which the applicant seeks licensure—of educational credit hours and 120 experiential learning hours that includes content on the advocacy skills associated with hearings, trials, mediation, arbitration, and negotiation. ACJA §7-210(A) defines “experiential learning” as “learning through a format such as an internship, externship or clinical experience during which students develop knowledge, skills, and values from direct experiences outside a traditional academic setting.”

Legal paraprofessionals are a key component of this Court’s goal of closing the access to justice gap while protecting consumers of legal services. The licensing and regulation of competent legal paraprofessionals provides Arizonans with a viable alternative to hiring lawyers for their less complex legal needs. The experiential learning requirement provides aspiring legal paraprofessionals with meaningful, practical training opportunities.

Arizona’s law schools recognize clinical experience as one of the most important aspects of legal education and have established or partnered with a wide variety of clinical programs in which law students take direct responsibility for clients under the supervision of faculty and

practicing attorneys. Rule 39(c) authorizes law students attending an accredited law school to obtain an Arizona Supreme Court Certification as a certified limited practice student for the purpose of providing supervised instruction and training in the practice of law while facilitating opportunities for pro bono client representation.

In addition to the education and training of law students, both the University of Arizona James E. Rogers College of Law and the Arizona State University Sandra Day O'Connor College of Law, as part of their commitment to providing greater access to justice, now participate in offering other educational pathways for those preparing to pursue a legal paraprofessional license, including various opportunities for satisfying the experiential learning requirement.

Legal paraprofessional students will benefit from clinical programs offered by Arizona's accredited law schools in which students provide supervised legal services to clients, such as those currently available to law students, as a way to satisfy their experiential learning requirement. Because ACJA § 7-210 prohibits persons from providing legal services as a legal paraprofessional without holding a valid license, legal paraprofessional students who choose to participate in clinics in which they will provide supervised legal services to clients must obtain a limited practice certification similar to the certification available to qualifying law students under Rule 39(c).

Therefore, pursuant to Article 6, Section 3, of the Arizona Constitution,

IT IS ORDERED that:

1. Beginning August 1, 2023, any Arizona law school accredited by the American Bar Association may include a legal paraprofessional student in any clinical program in which the student will provide supervised legal services to clients if the student is certified by this Court as a limited practice legal paraprofessional student under this Order.
2. A legal paraprofessional student who desires to participate in a law school clinical program in which students provide supervised legal services to clients, must be certified by this Court as a limited practice legal paraprofessional student. A legal paraprofessional student may participate in a clinic without obtaining certification if the student will not provide legal services to clients.
3. To obtain a limited practice legal paraprofessional student certification, a legal paraprofessional student must:
 - a. Have successfully completed at least two-thirds of the total number of academic credit hours required for the area(s) of law in which the applicant intends to seek licensure, or at least two semesters of a university degree program designed to prepare the student for licensure as a legal paraprofessional, and completion of, or concurrent enrollment in, the required credit hours in evidence and professional responsibility;

- b. Neither ask for nor receive any compensation or remuneration of any kind for services rendered by the certified limited practice legal paraprofessional student from the person on whose behalf the services are rendered;
- c. Certify in writing that the student has read and is familiar with legal paraprofessional code of conduct in ACJA § 7-210(J);
- d. Be certified by the dean of the college in which the student is enrolled as being in good academic standing and of good character, and as having successfully completed the credit hours required to obtain a limited practice legal paraprofessional student certification;
- e. Submit to the clerk of the Court, on a form provided by the clerk, a completed application together with any designated fee, that contains:
 - i. The signature of the applicant, the dean of the college in which the applicant is enrolled as a legal paraprofessional student, and the faculty member or attorney who will be supervising applicant.
 - ii. The applicant's attestation that the applicant meets all the requirements for this limited practice legal paraprofessional student certification; will immediately notify the clerk of the Court if the applicant no longer meets the requirements of this Order; and has read and will abide by the legal paraprofessional code of conduct in ACJA § 7-210(J).
 - iii. The attestation of the dean of the college, in which the applicant is engaged in a course of study that may prepare the student for licensure as a legal paraprofessional, that the applicant meets the requirements for this limited practice legal paraprofessional student certification, and, to the best of the dean's knowledge, is qualified by ability, training, or character to participate in a law school clinical program, that includes advocacy content, in which the student will provide supervised legal services to clients. The dean must immediately notify the clerk of the Court if the certified limited practice legal paraprofessional student no longer meets the requirements of this Order.
 - iv. The statement of the faculty member, attorney, or licensed legal paraprofessional who will be supervising the applicant specifying the period of time during which the faculty member or attorney will be responsible for supervising the applicant and an attestation that the faculty member or attorney has read, and will ensure the student's compliance with, the legal paraprofessional code of conduct in ACJA § 7-210(J) and will assume responsibility for applicant during the clinical program.
- f. Upon receipt of a complete application, the clerk of the Court will issue the notice of certification and send a copy of the certification to the law school and the State Bar.

4. A certified limited practice legal paraprofessional student may appear in any court or administrative tribunal in this state and provide the legal services applicable to a licensed legal paraprofessional with endorsement in the area(s) of law in which the applicant intends to seek licensure under ACJA §7-210(F)(1) and (2) under the following conditions:
 - a. The supervising attorney or licensed legal paraprofessional must physically appear with the certified limited practice legal paraprofessional student in any court or administrative tribunal;
 - b. Any pleadings or other documents to be filed in any matter in which the certified limited practice legal paraprofessional student is eligible to appear must be signed by the supervising attorney or licensed legal paraprofessional;
 - c. A certified limited practice legal paraprofessional student may give legal advice or perform other legal services only with the consent of the supervising attorney or licensed legal paraprofessional;
 - d. A certified limited practice legal paraprofessional student may use the title “Certified Limited Practice Legal Paraprofessional Student” only in connection with activities authorized by this Order but may describe the student’s participation in a clinical program on a resume or letter seeking employment as long as the description is not false, deceptive, or misleading.
 - e. When a certified limited practice legal paraprofessional student’s name is printed or signature is included on written materials prepared as authorized by this Order, the written material must state that the student is a certified limited practice legal paraprofessional student under this Order, state the name of the supervising attorney or licensed legal paraprofessional, and be signed by the supervising attorney; and
 - f. The supervising faculty member, attorney, or licensed legal paraprofessional must:
 - i. Supervise and assume professional responsibility for any work performed by the certified limited practice student while under the faculty member’s, attorney’s, or licensed legal paraprofessional’s supervision;
 - ii. Assist and counsel the certified limited practice student in the activities authorized under this Order and review such activities with the certified limited practice student, all to the extent required for the proper training of the certified limited practice student and the protection of the client;
 - iii. Read, approve, and sign any pleadings or other documents prepared by the certified limited practice student before their filing or distribution, and read and approve any document prepared by the certified limited practice student for execution by any person; and

- iv. Promptly notify the clerk of this Court in writing if the faculty member's or attorney's supervision of the certified limited practice student has or will cease before the date indicated on the certification.
5. If the supervising faculty member, attorney, or licensed legal paraprofessional becomes unable to supervise the certified limited practice student during the period of certification, the dean of the college in which the applicant is enrolled as a legal paraprofessional student or the director of the clinical program in which the student is participating may designate a substitute supervising faculty member or attorney and notify the clerk of this Court of the substitution and the name of the substitute using a form provided by the Clerk that:
 - a. Includes a statement of the substitute supervising faculty member, attorney, or licensed legal paraprofessional of the time period during which the supervising faculty member, attorney, or licensed legal paraprofessional will be responsible for supervising the certified limited practice student;
 - b. Includes an attestation of the substitute supervising faculty member, attorney, or licensed legal paraprofessional that the supervising faculty member, attorney, or licensed legal paraprofessional has read, and will ensure the student's compliance with, the legal paraprofessional code of conduct in ACJA § 7-210(J) and will assume responsibility for applicant during the clinical program.
6. The certification of a certified limited practice student begins on the date specified in the certification and remains in effect for the period specified in the certification unless sooner terminated by one of the following occurrences:
 - a. The certified limited practice student requests termination of the certification in writing or notifies the clerk of the Court that the student no longer meets the requirements of these rules. In such event, the clerk will send written notice of the termination to the student; the student's supervising faculty member, attorney, or licensed legal paraprofessional; the dean of the college in which the applicant is enrolled as a legal paraprofessional student; and the State Bar.
 - b. The supervising faculty member or attorney notifies the clerk of the Court in writing that the supervising faculty member's, attorney's, or licensed legal paraprofessional's supervision of the certified limited practice student will cease before the date specified in the notice of certification and that there will not be a substitution of another supervising faculty member, attorney, or licensed legal paraprofessional. In such event, the clerk will send written notice of the termination to the student, the student's supervising faculty member or attorney, the dean of the college in which the applicant is enrolled as a legal paraprofessional student, and the State Bar.

- c. At any time, the dean of the college in which the applicant is enrolled as a legal paraprofessional student, with or without cause and notice or hearing, may file notice of the termination with the clerk of the Court.
- d. The Court at any time, with or without cause and notice or hearing, by filing notice of the termination with the clerk of the Court.
- e. One or more of the requirements for certification no longer exists or the certified limited practice student or supervising faculty member or attorney fails to comply fully with any provision of this Order or any other pertinent statute, rule, or regulation.
- f. In the event of termination by one of the foregoing occurrences, the clerk will send written notice of the termination to the student; the student's supervising faculty member, attorney, or licensed legal paraprofessional; the dean of the college in which the applicant is enrolled as a legal paraprofessional student; the State Bar; and the Certification and Licensing Division of the Administrative Office of the Courts, Arizona Supreme Court.

IT IS FURTHER ORDERED that where this Order conflicts with the provisions of ACJA §§ 7-201 and 7-210, this Order controls.

IT IS FURTHER ORDERED that the Administrative Director is authorized to establish forms and additional policies and procedures required to implement this program.

IT IS FURTHER ORDERED that the deans of Arizona's accredited law schools with clinical programs in which legal paraprofessional students provide supervised legal services to clients under this Order, must provide a report to the Administrative Office of the Courts and the Judicial Council on or before February 1, 2024, on the implementation of this Order together with any proposal(s) to amend ACJA § 7-210 or any court rule, including Arizona Supreme Court Rule 38.

Dated this 15th day of December, 2022.

ROBERT BRUTINEL
Chief Justice