

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-07-0008
PETITION TO AMEND RULE 38 OF)
THE RULES OF THE SUPREME COURT)
OF ARIZONA)
)
)
)
)
_____)

**ORDER AMENDING
RULES 38(c) and (d), RULES OF THE SUPREME COURT**

A petition to include Phoenix School of Law within the rule allowing conditional admission to practice law for students participating in clinical law courses has been filed, and no comments have been received. Upon consideration,

IT IS ORDERED that Rules 38(c) and (d), Rules of the Supreme Court, be amended in accordance with the attachment hereto, effective January 1, 2009.

DATED this _____ day of September, 2008.

RUTH V. MCGREGOR
Chief Justice

TO:
Rule 28 Distribution

ATTACHMENT*

RULES OF THE SUPREME COURT

Rule 38. Special Exceptions to Standard Examination and Admission Process

(a)-(b) [No change in text.]

(c) Full-Time Law School Faculty Members.

1. *Application; Examination by Committee on Examinations not Required.* Upon recommendation of the dean of ~~the College of Law of the University of Arizona or of the College of Law of Arizona State University~~ a law school in Arizona which is either provisionally or fully approved and accredited by the American Bar Association or, as to such dean, upon recommendation of the president of such university or school, a full-time faculty member of such ~~college-law school~~ may apply for admission to practice law in the State of Arizona as an active member of the bar without examination by the Committee on Examinations.

2.-5. [No change in text.]

(d) Clinical Law Professors and Law Students

1. [No change in text.]

2. *Activities of Clinical Law Professors.* A clinical law professor not a member of the state bar but certified pursuant to paragraph (d)(7)(A) of this rule may appear as 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 Arizona or of the College of Law of Arizona State University~~ a law school in Arizona which is either provisionally or fully approved and accredited by the American Bar Association, in any court or before any administrative tribunal in this state in any of the matters enumerated in paragraphs (d)(3)(A)-(D) of this rule on behalf of any person, if the person on whose behalf the appearance is being made has consented in writing 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.

3. *Activities of Law Students.*

A.-F. [No change in text.]

G. Except for students participating under the requirements of paragraph (d)(6)

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

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. *Requirements and Limitations for Clinical Law School Professors.* In order to make an appearance as lawyer pursuant to this rule, the clinical law professor must:

A. be duly employed as a faculty member of ~~the College of Law of the University of Arizona or the College of Law of Arizona State University~~ a law school in Arizona which is either provisionally or fully approved and accredited by the American Bar Association for the purpose, *inter alia*, of instructing and supervising a clinical law program approved by the dean and faculty of such law school;

B.-D. [No change in text.]

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. ~~either be duly enrolled in the College of Law of the University of Arizona or the College of Law of Arizona State University or~~ be duly enrolled in a law school's juris doctorate program either provisionally or fully approved and accredited by the American Bar Association, and be supervised by a member of the State Bar of Arizona, and be certified by the deans of the law school on a form approved by the clerk of this Court showing compliance with Rules 38(d)(3)(F), 38(d)(5)(B) and (C), and 38(d)(7);

B.-E. [No change in text.]

6.-7. [No change in text.]

8. *Supervision.* In this rule, "supervising lawyer" means either a clinical law professor or a member of the state bar in each case whose service as a supervising lawyer for this program is approved by the dean of ~~the~~ a provisionally or fully approved and accredited law school in which the law student is enrolled ~~or (in the case of a law student enrolled in a law school other than the Arizona State University or University of Arizona College of Law) whose service as a supervising lawyer is approved by the dean of that law school in which the student is enrolled.~~ An eligible law student shall do any of the things permitted by this rule only under the supervision of the supervising lawyer. The supervising lawyer shall not delegate this

responsibility to another except that the incumbent of a public office may designate one or more qualified deputies for this purpose. The supervising lawyer shall:

A.-B. [No change in text.]

C. agree to serve as a supervising lawyer and to participate ~~either in the program administered by the Arizona State University or University of Arizona College of Law, or agree to participate~~ in the program or activities authorized and certified by the dean of a provisionally or fully approved and accredited law school's juris doctorate program ~~other than the Arizona State University or University of Arizona College of Law.~~

9. [No change in text.]