

STATE OF MINNESOTA

SUPERVISED PRACTICE RULES

**As amended
January 1, 2022**

TABLE OF CONTENTS

1. Purpose
2. Definitions
3. Scope of Representation
4. Obligations of Law School
5. Obligations of Supervising Lawyer
6. Obligations of Law Student Practitioner
7. Obligations of Supervised Practitioner
8. Obligations of Student Observer
9. Obligations of the Board
10. Period of Certification; Recertification
11. Termination of Certification
12. Authorized Practice by Legal Paraprofessionals in Pilot Project

Rule 1. Purpose.

The Minnesota Board of Law Examiners (Board) administers these rules to ensure that law students and recent graduates certified under these Rules have sufficient legal education and adequate supervision to perform lawyering tasks in an effective and confidential manner, while protecting the interests of the client.

Rule 2. Definitions. In these Rules,

A. “Eligible law student” means a student who:

- (1) is duly enrolled at the time of certification in a law school approved by the American Bar Association (ABA);
- (2) has completed legal studies equivalent to at least two semesters of full-time study prior to certification;
- (3) has been certified by the dean or designee of the law school as:
 - (a) being of good academic standing; and
 - (b) qualified to participate either in a paid or unpaid capacity in a practice placement or clinical program in order to provide legal services to clients as a law student practitioner.

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 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.

C. “Jurisdiction” means the District of Columbia or any state or territory of the United States.

D. “Law student practitioner” means an individual certified under these Rules who is a current law student.

E. “Student Observer” means a student certified under these Rules to observe any and all professional activities of a member of the bar as part of an academic program or course for academic credit, including client communication. Communication between the client and the student shall be privileged under the same rules that govern attorney-client privilege and work product doctrine, and the presence of a student during communication between the lawyer and the client shall not, standing alone, waive these evidentiary privileges.

F. “Supervising lawyer” means a member of the Minnesota bar in good standing who accepts responsibility for a law student practitioner or supervised practitioner.

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

Rule 3. Scope of Representation.

A law student practitioner or supervised practitioner may perform, under the supervision of a supervising lawyer, all functions that a lawyer may perform in representing and appearing on behalf of a client.

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) Has been admitted to the bar of any jurisdiction.

B. Continuing Obligation: A law school shall provide written notice to the Board within 30 days of becoming aware of any event noted in Rule 4A(7).

- (1) If a law student practitioner graduates, the law school shall advise the Board if the certification should convert from law student practitioner to supervised practitioner and, if so, provide the date of conferral and confirmation that there is ongoing employment with the same or a new supervising lawyer.

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) Abide by all obligations set forth in these Rules.

B. When supervising a student observer, the supervising attorney shall ensure that the student observer has:

- (1) Been identified as a student and accepted by the client; and
- (2) Signed a statement certifying the student observer will maintain the confidentiality that a lawyer is required to maintain under Rule 1.6 of the Minnesota Rules of Professional Conduct.

Rule 6. Obligations of Law Student Practitioner.

A. Once certified, the law student practitioner shall take the following actions:

- (1) Identify himself or herself to each client and tribunal as a law student practitioner and proceed only if accepted by both;
- (2) Comply with the supervised practice requirements outlined in Rule 5A;
- (3) Comply with Minnesota Rules of Professional Conduct;
- (4) Request recertification through his or her law school before the expiration of certification, if eligible; and
- (5) Ensure that his or her law school files notice to the Board of his or her graduation and, if eligible, requests recertification as a supervised practitioner.

Rule 7. Obligations of a Supervised Practitioner.

A. Once certified, the supervised practitioner shall take the following actions:

- (1) Identify himself or herself to each client and tribunal as a supervised practitioner and proceed only if accepted by both;
- (2) Comply with the supervised practice requirements outlined in Rule 5A;
- (3) Comply with the Minnesota Rules of Professional Conduct; and
- (4) Notify his or her law school if he or she:
 - (a) Registers and takes the bar examination in any jurisdiction;
 - (b) Fails the bar examination in any jurisdiction; or
 - (c) Is admitted in any jurisdiction.

Rule 8. Obligations of Student Observer.

A student observer shall sign and abide by a statement certifying that the student will maintain the confidentiality that a lawyer is required to maintain under Rule 1.6 of the Minnesota Rules of Professional Conduct.

Rule 9. Obligations of the Board.

A. The Board shall:

- (a) Review the certification applications filed by the law school to confirm eligibility under these Rules;
- (b) Provide written notice to the law school confirming certification;
- (c) Post to the website a list of law student practitioners and supervised practitioners and the date that certification is scheduled to expire;
- (d) Maintain a list of student observers approved under these Rules; and
- (e) Provide written notice to the law school and remove from the website the names of law student practitioners and supervised practitioners whose licenses have expired or terminated under these Rules.

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;

B. A law student practitioner may be recertified as a supervised practitioner upon graduation from law school; and

C. A supervised practitioner may be certified for a period of 18 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) Twelve months has elapsed from the most recent certification;
- (b) 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;
- (c) The student practitioner resigns or is terminated from the qualifying position; or
- (d) The law school places the law student on academic probation.

B. Certification as a supervised practitioner terminates when the first of the following occurs:

- (a) 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) The supervised practitioner resigns or is terminated from the qualifying position;
- (c) The supervised practitioner is admitted to the bar in any jurisdiction;
- (d) The supervised practitioner fails the bar examination in any jurisdiction; or

(e) 18 months has elapsed from the date of degree conferral.

C. Certification as a student observer terminates when the course ends or the student is placed on academic probation.

Rule 12. Authorized Practice by Legal Paraprofessionals in Pilot Project

Rule 12.01 Scope of Work

An eligible legal paraprofessional may, under the supervision of a member of the bar, provide the following services:

- (a) Provide advice to and appear in court on behalf of tenants in housing disputes as defined in Minnesota Statutes Chapter 504B and Minnesota Statutes § 484.014. Eligible legal paraprofessionals may only provide such services in district courts that have established a Housing Court or a dedicated calendar for housing disputes, except that eligible legal paraprofessionals shall not appear in Housing Court in the Fourth Judicial District.
- (b) Appear in court on behalf of clients in family law cases, at default hearings, pretrial hearings, and informal family court proceedings, and hearings related to child-support modifications, parenting-time disputes, and paternity matters.
- (c) Provide advice to clients in family law cases related to child-support modifications, parenting-time disputes, paternity matters, and stipulated dissolution and custody/parenting time agreements, including the drafting of stipulated dissolution and custody/parenting time agreements.
- (d) Appear with a client in family law mediations where, in the judgment of the supervising lawyer, the issues are limited to less complex matters, which may include simple property divisions, parenting-time matters, and spousal-support determinations.
- (e) Under no circumstances shall a legal paraprofessional provide advice or appear in court or at a mediation under this paragraph if the family law case involves allegations of domestic abuse or child abuse.
- (f) With authorization from the supervising attorney, prepare and file a limited set of documents identified in Appendix 1 to these rules.

Communications between the client and the eligible legal paraprofessional shall be privileged under the same rules that govern the attorney-client privilege and work product doctrine.

For each case where a legal paraprofessional will appear in court on behalf of the client, the certificate of representation for the matter must identify both the supervising attorney and the legal paraprofessional. The legal paraprofessional may sign the certificate of representation, but must include with the filed certificate of representation a statement signed by the supervising attorney that authorizes the legal paraprofessional to appear in court. The signed authorization must identify the types of proceedings for which the legal paraprofessional is authorized to provide services and the starting and ending dates during which the paralegal is authorized to appear in court.

Rule 12.02 Eligible Legal Paraprofessionals

An eligible legal paraprofessional must meet the following requirements:

- (a) Education and Work Experience Requirements. To participate in the pilot project, a legal paraprofessional must have the following education or work experience:
 - (1) an Associate's or Bachelor's Degree in paralegal studies from an institutionally accredited school; or
 - (2) a paralegal certificate from an institutionally accredited school in addition to an Associate's or Bachelor's degree in any subject from an institutionally accredited school; or
 - (3) a law degree from an ABA accredited school; or
 - (4) a high school diploma with 5 years of substantive paralegal experience.
- (b) Ethics and Continuing Legal Education Requirements. To participate in the pilot project, a legal paraprofessional must satisfy the following ethics and continuing education requirements:
 - (1) hold Minnesota Certified Paralegal credentials from the Minnesota Paralegal Association; or
 - (2) provide proof that the legal paraprofessional has earned ten continuing legal education credits, including two credit hours in ethics, within the two years prior to seeking certification under Rule 12.04(a); or
 - (3) provide proof that the legal paraprofessional has obtained a paralegal studies degree or certificate, or a juris doctorate within the two years prior to seeking certification under Rule 12.04(a). Such a program must include an ethics component.
- (c) Written Agreement with a Supervisory Attorney. To participate in the pilot project, a legal paraprofessional must enter into a written agreement with a licensed Minnesota attorney who agrees to serve as the paralegal's supervisory attorney. The written agreement must set forth the scope and types of work the legal paraprofessional may undertake consistent with the scope of the pilot project and the steps the supervisory attorney will take to ensure that the paralegal is serving the client's interests.
- (d) Roster of Approved Legal Paraprofessionals. To participate in the pilot project, a legal paraprofessional must remain in good standing on the roster of approved legal paraprofessionals established and maintained by the Standing Committee on the Legal Paraprofessional Pilot Project.

Rule 12.03 Supervisory Attorney

The attorney who supervises a legal paraprofessional authorized to participate in the pilot project shall:

- (a) be a member in good standing of the bar of this court;
- (b) assume personal professional responsibility for and supervision of the legal paraprofessional's work, including court appearances;
- (c) assist the legal paraprofessional to the extent necessary, and sign all pleadings;
- (d) carry malpractice insurance that will sufficiently cover the attorney's supervision of the legal paraprofessional and the work and actions of the supervised legal paraprofessional, or ensure that the legal paraprofessional has secured adequate malpractice insurance; and
- (e) execute a written agreement that establishes the terms of the supervised legal paraprofessional's work and the supervision conditions.

Rule 12.04 Standing Committee for Legal Paraprofessional Pilot Project.

The Standing Committee for the Legal Paraprofessional Pilot Project shall establish, in collaboration with the State Court Administrator, procedures as follows:

- (a) for certifying legal paraprofessionals as authorized to participate in the pilot project and establishing and maintaining a public roster of legal paraprofessionals eligible to participate in the pilot project;
- (b) for evaluating the results and outcome of the pilot project and making further recommendations to the Supreme Court; and
- (c) for submitting, reviewing, investigating, and resolving complaints made against legal paraprofessionals and supervising attorneys, including removing legal paraprofessionals from the roster and prohibiting supervising attorneys from participating in the pilot project if there is a good cause to do so. Rostered legal paraprofessionals and supervising attorneys shall cooperate with standing committee investigations and failure to cooperate may be the basis for removal from the pilot project.

Appendix 1 to Rule 12 of the Supervised Practice Rules

General Filing Documents

- Notice of Appearance
- Certificate of Representation
- Application to Serve by Alternate Means
- Affidavit of Default
- Affidavit of Service
- Substitution of Counsel
- Notice of Withdrawal
- Notice of Filing
- Affidavit for Proceeding In Forma Pauperis
- Proposed In Forma Pauperis Order
- Settlement Agreement
- Request for Continuance
- Motion to Request Correction of Clerical Mistakes

Landlord-Tenant Specific

- Affidavit of Compliance and Proposed Order for Expungement
- Notice of Motion and Motion for Expungement of Eviction Record
- Petition for Emergency Relief Under Tenant Remedies Act
- Rent Escrow Affidavit
- Eviction Answer
- Eviction Action Proposed Findings of Fact, Conclusions of Law, Order and Judgement
- Answer and Motion for Dismissal or Summary Judgement (Eviction)
- Notice of Motion and Motion to Quash Writ of Recovery
- Petition for Possession of Property After Unlawful Lockout

Family Law Specific

- Confidential Information Form 11.1
- Confidential Information Form 11.2
- Felon name change notice
- Notice to Public Authority
- Notice of Default and Nonmilitary Status Affidavit of Non-Military Status
- Default Scheduling Request
- Notice of Intent to Proceed to Judgement
- Proposed Default Findings
- Initial Case Management Conference Data Sheet
- Scheduling Statement
- Parenting/Financial Disclosure Statement
- Discovery (Interrogatories, Request for Production of Documents, Request for Admissions)
- Summary Real Estate Disposition
- Judgement
- Certificate of Dissolution and Stipulated Dissolution
- Delegation of Parental Authority
- Revocation of Delegation of Parental Authority
- Application for Minor Name Change
- Parenting/Financial Disclosure Statement
- Certificate of Settlement Efforts
- Notice of Motion and Motion to Modify Parenting Time
- Stipulation of the Parties, including for custody/parenting time agreements
- Notice of Motion and Motion to Modify Child Support/Medical Support
- Notice of Motion and Motion (examples: Stop COLA, Reinstate Driver's License)
- Request for County to Serve Papers