

2024 California Rules of Court

Rule 9.42 Certified Law Student

(a) Definitions

The following definitions apply in this rule:

- (1) A “Certified Law Student” is a law student who meets the requirements of subdivision (d) of this rule and has been approved as a Certified Law Student by the State Bar of California.
- (2) The “Certified Law Student Program” is the legal education program established by this rule and administered by the State Bar of California under Title 3, Division 1, Chapter 1 of the Rules of the State Bar of California.
- (3) The “Law Office Study Program” is the legal education program regulated by the State Bar of California under rule 4.29 of the Rules of the State Bar of California.
- (4) A “Supervising Attorney” is an active licensee, as defined by Rules of Court, rule 9.1(1), in good standing of the State Bar of California, who supervises a Certified Law Student participating in the Certified Law Student Program, meets the requirements of subdivision (e) of this rule, and who is listed as the supervisor on a prospective or current Certified Law Student’s Application for the Certified Law Student Program.

(Subd (a) amended effective January 1, 2019; previously amended effective January 1, 2007.)

(b) State Bar Certified Law Student Program

The State Bar of California must administer a Certified Law Student Program under Title 3, Division 1, Chapter 1 of the Rules of the State Bar of California for registering and regulating the activities of law students who practice law as Certified Law Students.

(Subd (b) amended effective January 1, 2019; previously amended effective January 1, 2007.)

(c) Fees and Penalties

The State Bar of California has the authority to set and collect appropriate fees and penalties for the Certified Law Student Program.

(Subd (f) amended effective January 1, 2007.)

(d) Requirements

To be eligible to become a Certified Law Student:

- (1) An applicant must either:
 - (A) Be currently enrolled in a juris doctor (J.D.) or master of laws (LL.M) program in a law school fully or provisionally approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association (ABA) or accredited by or registered with the Committee of Bar Examiners; or
 - (B) Be currently studying law in a law office through the Law Office Study Program.
- (2) An applicant in a J.D. program must:
 - (A) Have successfully completed one full year of studies (minimum of 270 hours) or have passed the First-Year Law Students' Examination; and
 - (B) Be enrolled and in good academic standing in the second, third, or fourth year of law school, or have graduated from law school, subject to the time period limitations specified in the Rules of the State Bar of California governing the Certified Law Student Program.
- (3) An applicant in an LL.M. program must:
 - (A) Have a degree from a law school in a foreign jurisdiction that authorizes the applicant to practice law and is acceptable to the State Bar of California;
 - (B) Have successfully completed one semester or two quarters in an LL.M. program; and
 - (C) Be enrolled and in good academic standing in a second or subsequent semester or third or subsequent quarter of an LL.M. program, or no longer be enrolled having completed one year of study, subject to the time period limitations specified in the Rules of the State Bar of California governing the Certified Law Student Program.
- (4) An applicant who is studying law in a law office must:
 - (A) Have successfully completed one year of legal studies in a law school or in the Law Office Study Program;
 - (B) Have passed the First-Year Law Students' Examination; and
 - (C) Be actively continuing the study of law through the Law Office Study Program or have completed the course of study subject to the time period limitations specified in the Rules of the State Bar of California governing the Certified Law Student Program.

(Subd (c) amended effective January 1, 2019.)

(e) Supervision

(1) A Supervising Attorney must:

- (A) Have practiced law in California or taught law in a law school for at least two years immediately preceding the start of their supervision of the Certified Law Student;
- (B) Assume professional responsibility for the work product of the Certified Law Student;
- (C) Train and counsel the Certified Law Student to competently perform activities authorized by this rule;
- (D) Read, approve, and personally sign any documents prepared by the Certified Law Student for a client; and
- (E) Comply with any other requirements set forth in the Rules of the State Bar of California pertaining to Supervising Attorneys participating in the Certified Law Student Program.

(f) Permitted Activities

Subject to all applicable rules, regulations, and statutes, a Certified Law Student may:

- (1) Negotiate on behalf of the client or give legal advice to the client, provided that the Certified Law Student:
 - (A) Obtains approval from the Supervising Attorney to engage in the activity;
 - (B) Obtains approval from the Supervising Attorney of the legal advice or negotiation plan; and
 - (C) Acts under general supervision of the Supervising Attorney.
- (2) Appear on behalf of the client in depositions, provided that the Certified Law Student:
 - (A) Obtains approval from the Supervising Attorney to engage in the activity;
 - (B) Makes the appearance under the direct and immediate supervision and in the personal presence of the Supervising Attorney, or, exclusively in the case of

government agencies, any deputy, assistant, or other staff attorney authorized and designated by the Supervising Attorney; and

- (C) Obtains written consent from the client, or, exclusively in the case of government agencies, from the chief counsel or prosecuting attorney, for the Certified Law Student to make the appearance.
- (3) Appear on behalf of the client in any public trial, hearing, arbitration, or proceeding, or before any arbitrator, court, public agency, referee, magistrate, commissioner, or hearing officer, to the extent approved by such arbitrator, court, public agency, referee, magistrate, commissioner, or hearing officer, provided that the Certified Law Student:
- (A) Obtains approval from the Supervising Attorney to engage in the activity;
 - (B) Performs the activity under the direct and immediate supervision and in the personal presence of the Supervising Attorney, or, exclusively in the case of government agencies, any deputy, assistant, or other staff attorney authorized and designated by the Supervising Attorney;
 - (C) Obtains written consent from the client, or, exclusively in the case of government agencies, from the chief counsel or prosecuting attorney, for the Certified Law Student to perform the activity; and
 - (D) As a condition to such appearance, the Certified Law Student either presents a copy of the client's written consent to the arbitrator, court, public agency, referee, magistrate, commissioner, or hearing officer, or files a copy of the client's written consent in the court file.
- (4) Appear on behalf of a government agency in the prosecution of criminal actions classified as infractions or other such minor criminal offenses with a maximum penalty or a fine equal to the maximum fine for infractions in California, including any public trial:
- (A) Subject to approval by the court, commissioner, referee, hearing officer, or magistrate presiding at such public trial; and
 - (B) Without the personal appearance of the Supervising Attorney or any deputy, assistant, or other staff attorney authorized and designated by the Supervising Attorney, but only if the Supervising Attorney or the designated attorney has approved in writing the performance of such acts by the Certified Law Student and is immediately available to attend the proceeding.

(Subd (d) amended effective January 1, 2007.)

(g) Application

An applicant for the Certified Law Student Program must:

- (1) Apply to and be approved as a Certified Law Student pursuant to Title 3, Division 1, Chapter 1 of the Rules of the State Bar of California; and
- (2) Not begin performing the activities authorized by this rule until their Application for the Certified Law Student Program is approved by the State Bar of California.

(h) Concurrent Participation in the Law Office Study Program

An individual may not concurrently participate in the Certified Law Student Program and the Law Office Study Program if the individual is studying law in a judge's chambers.

(i) Failure to Comply with Program

A Certified Law Student who fails to comply with the requirements of the Certified Law Student Program will have their certification revoked under the Rules of the State Bar of California.

(Subd (e) amended effective January 1, 2019; previously amended effective January 1, 2007.)

(j) Inherent Power of Supreme Court

Nothing in these rules may be construed as affecting the power of the Supreme Court of California to exercise its inherent jurisdiction over the practice of law in California.

(Subd (g) amended effective January 1, 2007.)