

2024 California Rules of Court

Rule 9.42 Certified Law Students

(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 ~~has a currently effective certificate of registration~~ as a Certified Law Student ~~by~~ from the State Bar of California.
- ~~(1) A “law student” is a student currently enrolled in a juris doctor (J.D.) or, master of laws (LL.M.) or bachelor of laws (LL.B.) program in a law school accredited by the examining committee, approved by the American Bar Association, or registered with the examining committee; or a student currently studying law in a law office or judge’s chambers who has been approved by the State for such study. For purposes of this rule, “law student” doesn’t include a student studying law in a judge’s chambers.~~
- (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 agrees to supervise a Certified Law Student under participating in the Certified Law Student Program, ~~rules established by the State Bar~~ meets the requirements of subdivision (e) of this rule, and who is listed as the supervisor whose name appears on the a prospective or current Certified Law Student’s Application for the Certified Law Student Program certification.

(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 ~~establish and~~ 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 ~~under rules adopted by the Board of Trustees of the State Bar.~~

(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 ~~this~~ Program.

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

(d) Eligibility for certification Requirements

To be eligible to become a Certified Law Student, ~~an applicant must:~~

(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 ~~who is a student~~ in a J.D. or LL.B. program at a law school must:

- (A) Have successfully completed one full year of studies (minimum of 270 hours) at a law school accredited by the American Bar Association or the State Bar of California, or both, or have passed the First-Year Law Students' Examination; and**
- (B) ~~Have been accepted into, and be~~ enrolled and in good academic standing in, the second, third, or fourth year of law school, in good academic standing or have graduated from law school, subject to the time period limitations specified in the Rules adopted by the Board of Trustees of the State Bar of California governing the Certified Law Student Program; and**

(3) An applicant ~~who is a student~~ in an LL.M. program at a law school must: Have either successfully completed or be currently enrolled in and attending academic courses in evidence and civil procedure.

- (A) Have a first degree from a law school in a foreign jurisdiction that in law, authorizes the applicant to practice law and is acceptable to the State Bar of California, from a law school in a foreign country;**

- (B) Have successfully completed one semester or two quarters in the an LL.M. program, or two quarters in a program operating on a quarter system; and
 - (C) Be ~~accepted to and~~ 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 ~~adopted by the Board of Trustees~~ of the State Bar of California governing the Certified Law Student Program.
- (4) An applicant who is studying law in a law office or judge's chambers must:
- (A) Have successfully completed one year of legal studies in a law school, or in the Law Office Study Program ~~through study in a law office or judge's chambers~~;
 - (B) Have passed the ~~F~~first-Year Law Students' Examination; and
 - (C) Be actively continuing the study of law through the Law Office Study Program ~~pursuant to Rule 4.29 of the Rules of the State Bar, under the supervision of the attorney or judge approved by the State Bar to provide supervision~~ or have completed the course of study subject to the time period limitations specified in the Rules ~~adopted by the Board of Trustees~~ 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 ~~A~~activities**

Subject to all applicable rules, regulations, and statutes, a ~~C~~ertified ~~L~~aw ~~S~~tudent may:

- (1) Negotiate ~~for and~~ on behalf of the client ~~subject to final approval thereof by the supervising attorney~~ or give legal advice to the client, provided that the ~~C~~ertified ~~L~~aw ~~S~~tudent:
 - (A) Obtains ~~the~~ approval from ~~of~~ the ~~S~~upervising ~~A~~ttorney to engage in the activity~~ies~~;
 - (B) Obtains ~~the~~ approval from ~~of~~ the ~~S~~upervising ~~A~~ttorney regarding of the legal advice ~~to be given~~ or negotiation plan ~~of negotiation to be undertaken by the certified law student~~; and
 - (C) ~~Performs the activities~~ Acts under ~~the~~ general supervision of the ~~S~~upervising ~~A~~ttorney~~s~~;
- (2) Appear on behalf of the client in depositions, provided that the ~~C~~ertified ~~L~~aw ~~S~~tudent:
 - (A) Obtains ~~the~~ approval from ~~of~~ the ~~S~~upervising ~~A~~ttorney to engage in the activity;
 - (B) ~~Performs the activity~~ Makes the appearance under the direct and immediate supervision and in the personal presence of the ~~S~~upervising ~~A~~ttorney~~s~~ ~~for~~, exclusively in the case of government agencies, any deputy, assistant, or other staff attorney authorized and designated by the ~~S~~upervising ~~A~~ttorney~~s~~; and
 - (C) Obtains ~~a signed written~~ consent ~~form~~ from the client~~s~~ ~~on whose behalf the certified law student acts~~ ~~(or, exclusively in the case of government agencies, from the chief counsel or prosecuting attorney~~s~~ ~~(to for the Certified Law Student to make the appearance. approving the performance of such acts by such certified law student or generally by any certified law student;~~~~
- (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 ~~C~~ertified ~~L~~aw ~~S~~tudent:

- (A) Obtains ~~the~~ approval ~~from of~~ 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, ~~for~~, exclusively in the case of government agencies, any deputy, assistant, or other staff attorney authorized and designated by the Supervising Attorney;
 - (C) Obtains ~~a signed consent form~~ written consent from the client, ~~on whose behalf the certified law student acts~~ (or, exclusively in the case of government agencies, from the chief counsel or prosecuting attorney, ~~for to the Certified Law Student to perform the activity; approving the performance of such acts by such certified law student or generally by any certified law student;~~ and
 - (D) As a condition to such appearance, the Certified Law Student either presents a copy of the client's written consent ~~form~~ to the arbitrator, court, public agency, referee, magistrate, commissioner, or hearing officer, or files a copy of the client's written consent ~~form~~ in the court ~~case file;~~ and
- (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 ~~C~~omply with ~~P~~rogram

A ~~C~~ertified ~~L~~aw ~~S~~tudent who fails to comply with the requirements of the ~~State Bar~~ ~~C~~ertified ~~L~~aw ~~S~~tudent ~~P~~rogram ~~will~~ ~~must~~ have ~~their~~ ~~his or her~~ certification ~~revoked~~ ~~withdrawn~~ under ~~the Rules adopted by the Board of Trustees~~ of the State Bar ~~of~~ California.

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

(j) Inherent ~~P~~ower 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.)