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9 IN THE SUPREME COURT  
10 STATE OF ARIZONA

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12 )  
13 PETITION TO AMEND RULE 39 )  
14 OF THE ARIZONA RULES OF )  
15 THE SUPREME COURT ) **Supreme Court No. R- \_\_\_\_\_**  
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18 \_\_\_\_\_ )

19 Pursuant to Arizona Supreme Court Rule 28, this petition seeks to  
20 amend Arizona Supreme Court Rule 39, governing the Temporary  
21 Authorizations to Practice Law, as proposed in Attachment A.

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24 In December 2022, Administrative Order 2022-175 temporarily authorized  
25 the certification of Legal Paraprofessional (LP) students as limited practice  
26 students in law school clinics. As with the JD degree, this AO enables LP students  
27 to provide legal advice within the scope of their LP practice area under the  
28 supervision of an attorney. The University of Arizona James E Rogers College of  
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1 Law offers three clinical opportunities for LP students: Education Advocacy,  
2 Family Law, and Juvenile Law. As of September 2024, 26 students have been  
3 enrolled and 7 certified. Arizona State University's Sandra Day O'Connor College  
4 of Law offers ten clinical opportunities and intends to offer them to LP students in  
5  
6 2025.  
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9 The Board for Nonlawyer Legal Service Providers (NLSP) seeks to make  
10 this AO 2022-175 permanent by amending Supreme Court Rule 39 pertaining to  
11 the Temporary Practice of Law. The Arizona Judicial Council supported  
12 incorporated the AO's terms into the court rule at its 10/24/2024 meeting. The  
13 NLSP Board approved this petition at its December 18, 2024 meeting.  
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18 RESPECTFULLY SUBMITTED this 27th day of \_December, 2024.  
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21 By Mark McCall, Legal Service Innovations Manager on behalf of the Board for  
22 Nonlawyer Legal Service Providers  
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# ATTACHMENT A

**RULES OF THE ARIZONA SUPREME COURT**  
**Section V: Regulation of the Practice of Law**  
**Sub-section C: Admission to Practice of Law**  
**Rule 39: Temporary Authorizations to Practice of Law**  
[new text shown as underlined; deleted text in ~~striketrough~~]

(a) through (b). [No change]

(c) Law Students, Legal Paraprofessional (LP) Students, and Law Graduates.

(1) *Purpose.* The purpose of this rule is to provide law students, LP students, and recent law school graduates with supervised instruction and training in the practice of law for a limited time, and to facilitate volunteer opportunities for those individuals in pro bono contexts.

(2) *Definitions:*

“Law school” means a law school either provisionally or fully accredited by the American Bar Association.

“Certified limited practice student” is a law student of an accredited law school who holds a currently effective Arizona Supreme Court Certification as a certified limited practice student.

“Certified limited practice legal paraprofessional (LP) student” is a student enrolled in an accredited law school clinic who holds a currently effective Arizona Supreme Court Certification as a certified limited practice LP student.”

“Certified limited practice graduate” is a law graduate of an accredited law school who holds a currently effective Arizona Supreme Court Certification as a certified limited practice graduate.

“Dean” means the dean, the academic associate dean, or the dean's designee of the accredited law school where the law student or LP student is enrolled or the law graduate was enrolled on graduation.

“Period of supervision” means the dates for which the supervising attorney has declared, on the application for certification or recertification, that he or she will be responsible for any work performed by the certified limited practice student or the certified limited practice graduate under his or her supervision.

1 “Supervising attorney” is an attorney authorized to practice law in Arizona who has  
2 practiced law or taught law in an accredited law school as a full-time occupation for at  
3 least two years, and agrees in writing to supervise the certified limited practice student or  
4 certified limited practice graduate pursuant to these rules, and is identified as the  
5 supervising attorney in the application for certification or recertification. The supervising  
6 attorney may designate a deputy or other staff attorney to supervise the certified limited  
7 practice student or certified limited practice graduate when permitted by these rules.

8 “Supervising licensed legal paraprofessional (LP)” is an LP who is licensed to practice in  
9 Arizona who has practiced law as a full-time occupation for at least two years in the area  
10 of law they are supervising and agrees in writing to supervise the certified limited  
11 practice LP student pursuant to these rules, and is identified as the supervising LP in the  
12 application for certification. The supervising LP may designate a deputy or other LP or  
13 attorney to supervise the certified limited practice LP student when permitted by these  
14 rules.

15 (3) *General Provisions.*

16 (A) Limited Bar Membership. To the extent a law student, LP student, or law  
17 graduate is engaged in the practice of law under this rule, the law student, LP  
18 student, or law graduate shall, for the limited purpose of performing professional  
19 services authorized by this rule, be deemed an active member of the State Bar (but  
20 not required to pay fees). The provisions of this rule shall govern rather than the  
21 provisions of other rules relating to admission and discipline.

22 (B) Nonapplicability of Attorney Discipline Rules to Terms of the Certification.  
23 The procedures otherwise provided by law or court rule governing the discipline  
24 of lawyers shall not be applicable to the termination of the certification of a  
25 certified limited practice student or certified limited practice graduate pursuant to  
26 these rules. Termination of certification shall be without prejudice to the privilege  
27 of the law student, LP student, or law graduate to apply for admission to practice  
28 law if the law student, LP student, or law graduate is in other respects qualified  
29 for such admission.

30 (C) Effect of Certification on Application for Admission to Bar. The certification  
of a law student, LP student, or law graduate shall not be considered as an  
advantage or a disadvantage to the law student, LP student, or law graduate in an  
application for admission to the State Bar.

(D) Privileged Communications. The rules of law and of evidence relating to  
privileged communications between attorney and client shall govern  
communications made or received by and among supervising and designated  
attorneys and LPs, certified limited practice students, certified limited practice LP  
students, and certified limited practice graduates.

1           **(4) Law Students. [No change]**

2           ***(5) Legal Paraprofessional (LP) Students.***

3                           (A) Legal Paraprofessional Student Eligibility for Limited Practice Certification.  
4                           To be eligible to become a certified limited practice LP student, an applicant  
5                           must:

6                                   (i) Have successfully completed at least two-thirds of the total number of  
7                                   academic credit hours required for the area(s) of law in which the  
8                                   applicant intends to seek licensure, or at least two semesters of a  
9                                   university degree program designed to prepare the student for licensure as  
10                                   a legal paraprofessional, and completion of, or concurrent enrollment in,  
                                  the required credit hours in evidence and professional responsibility;

11                                   (ii) Neither ask for nor receive any compensation or remuneration of any  
12                                   kind for services rendered by the certified limited practice legal  
13                                   paraprofessional student from the person on whose behalf the services are  
14                                   rendered;

15                                   (iii) Certify in writing that the student has read and is familiar with legal  
16                                   paraprofessional code of conduct in ACJA § 7-210(J);

17                                   (iv) Be certified by the dean of the college in which the student is enrolled  
18                                   as being in good academic standing and of good character, and as having  
19                                   successfully completed the credit hours required to obtain a limited  
                                  practice legal paraprofessional student certification;

20                           (B) Application to Become a Certified Limited Practice LP Student

21                                   (i) All applications to become a certified limited practice LP student or to  
22                                   extend the period of certification must be submitted on a form provided by  
23                                   the clerk of the Court, to the clerk, with all the information requested on  
24                                   the form, together with any designated fee. The forms must contain:

25   (1) The signature of the applicant, the dean of the college in which  
26   the applicant is enrolled as a legal paraprofessional student, and the  
27   licensed legal paraprofessional or attorney who will be supervising  
  applicant.

28   (2) The applicant's attestation that the applicant meets all the  
29   requirements for this limited practice legal paraprofessional  
30   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

1 conduct in ACJA § 7-210(J).

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3 (3) The attestation of the dean of the college, in which the  
4 applicant is engaged in a course of study that may prepare the  
5 student for licensure as a legal paraprofessional, that the applicant  
6 meets the requirements for this limited practice legal  
7 paraprofessional student certification, and, to the best of the dean’s  
8 knowledge, is qualified by ability, training, or character to  
9 participate in a law school clinical program, that includes advocacy  
10 content, in which the student will provide supervised legal services  
11 to clients. The dean must immediately notify the clerk of the Court  
12 if the certified limited practice legal paraprofessional student no  
13 longer meets the requirements of this Order.

14 (4) The statement of the attorney or licensed legal paraprofessional  
15 who will be supervising the applicant specifying the period of time  
16 during which the licensed legal paraprofessional or attorney will be  
17 responsible for supervising the applicant and an attestation that the  
18 licensed legal paraprofessional or attorney has read, and will  
19 ensure the student’s compliance with, the legal paraprofessional  
20 code of conduct in ACJA § 7-210(J) and will assume responsibility  
21 for applicant during the clinical program.

22 (5) Upon receipt of a complete application, the clerk of the Court  
23 will issue the notice of certification and send a copy of the  
24 certification to the law school and the State Bar.

25 (C) Permitted Activities and Requirements of a Certified Limited Practice Legal  
26 Paraprofessional Student; Presence of Supervising or Designated Attorney or LP.

27 (i) A certified limited practice legal paraprofessional student may appear  
28 in any court or administrative tribunal in this state and provide the legal  
29 services applicable to a licensed legal paraprofessional with a license in  
30 the area(s) of law in which the applicant intends to seek licensure under  
ACJA §7-210(F)(1) under the following conditions:

(1) The supervising attorney or licensed legal paraprofessional  
must physically appear with the certified limited practice legal  
paraprofessional student in any court or administrative tribunal;

(2) 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;

(3) A certified limited practice legal paraprofessional student may

1 give legal advice or perform other legal services only with the  
2 consent of the supervising attorney or licensed legal  
3 paraprofessional;

4 (D) Use of the Title “Certified Limited Practice Legal Paraprofessional Student.”

5 (i) A certified limited practice legal paraprofessional student may use the  
6 title “Certified Limited Practice Legal Paraprofessional Student” only in  
7 connection with activities authorized by this Order but may describe the  
8 student’s participation in a clinical program on a resume or letter seeking  
9 employment as long as the description is not false, deceptive, or  
10 misleading.

11 (ii) When a certified limited practice legal paraprofessional student’s name  
12 is printed or signature is included on written materials prepared as  
13 authorized by this Order, the written material must state that the student is  
14 a certified limited practice legal paraprofessional student under this Order,  
15 state the name of the supervising attorney or licensed legal  
16 paraprofessional, and be signed by the supervising attorney.

17 (E) Duties of the Supervising licensed Legal Paraprofessional or Attorney. The  
18 supervising LP or attorney must:

19 (i) Supervise and assume professional responsibility for any work  
20 performed by the certified limited practice student while under the  
21 attorney’s or licensed legal paraprofessional’s supervision;

22 (ii) Assist and counsel the certified limited practice student in the activities  
23 authorized under this Order and review such activities with the certified  
24 limited practice LP student, all to the extent required for the proper  
25 training of the certified limited practice LP student and the protection of  
26 the client;

27 (iii) Read, approve, and sign any pleadings or other documents prepared  
28 by the certified limited practice LP student before their filing or  
29 distribution, and read and approve any document prepared by the certified  
30 limited LP practice student for execution by any person; and

(iv) Promptly notify the clerk of this Court in writing if the LP’s or  
attorney’s supervision of the certified limited practice student has or will  
cease before the date indicated on the certification.

(F) Substitution of the Supervising LP or Attorney. If the supervising attorney or  
licensed legal paraprofessional becomes unable to supervise the certified limited  
practice LP student during the period of certification, the dean of the college in

1 which the applicant is enrolled as a legal paraprofessional student or the director  
2 of the clinical program in which the student is participating may designate a  
3 substitute supervising licensed legal paraprofessional or attorney and notify the  
4 clerk of this Court of the substitution and the name of the substitute using a form  
5 provided by the Clerk that:

6 (i) Includes a statement of the substitute supervising attorney or licensed  
7 legal paraprofessional of the time period during which the supervising  
8 attorney or licensed legal paraprofessional will be responsible for  
9 supervising the certified limited practice student;

10 (ii) Includes an attestation of the substitute supervising attorney or  
11 licensed legal paraprofessional that the supervising attorney or licensed  
12 legal paraprofessional has read, and will ensure the student's compliance  
13 with, the legal paraprofessional code of conduct in ACJA § 7-210(J) and  
14 will assume responsibility for applicant during the clinical program.

15 (G) Duration and Termination of Certification. The certification of a certified  
16 limited practice LP student begins on the date specified in the certification and  
17 remains in effect for the period specified in the certification unless sooner  
18 terminated by one of the following occurrences:

19 (i) The certified limited practice LP student requests termination of the  
20 certification in writing or notifies the clerk of the Court that the student no  
21 longer meets the requirements of these rules. In such event, the clerk will  
22 send written notice of the termination to the student; the student's  
23 supervising attorney or licensed legal paraprofessional; the dean of the  
24 college in which the applicant is enrolled as a legal paraprofessional  
25 student; and the State Bar.

26 (ii) The supervising attorney of licensed LP notifies the clerk of the Court  
27 in writing that the supervising attorney's, or licensed legal  
28 paraprofessional's supervision of the certified limited practice student will  
29 cease before the date specified in the notice of certification and that there  
30 will not be a substitution of another supervising attorney or licensed legal  
paraprofessional. In such event, the clerk will send written notice of the  
termination to the student, the student's supervising attorney or licensed  
LP, the dean of the college in which the applicant is enrolled as a legal  
paraprofessional student, and the State Bar.

(iii) 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.

(iv) The Court at any time, with or without cause and notice or hearing, by

1 filing notice of the termination with the clerk of the Court.

2 (v) One or more of the requirements for certification no longer exists or  
3 the certified limited practice LP student or supervising faculty member or  
4 attorney fails to comply fully with any provision of this Order or any other  
5 pertinent statute, rule, or regulation.

6 (vi) In the event of termination by one of the foregoing occurrences, the  
7 clerk will send written notice of the termination to the LP student; the LP  
8 student's supervising attorney or licensed legal paraprofessional; the dean  
9 of the college in which the applicant is enrolled as a legal paraprofessional  
10 student; the State Bar; and the Certification and Licensing Division of the  
11 Administrative Office of the Courts, Arizona Supreme Court.

12 ~~(5)~~ **(6) Law Graduates. [Renumber. No change.]**

13 **(d) [No change.]**