

**RULES OF THE SUPREME COURT
OF THE STATE OF OKLAHOMA**

ON

LICENSED LEGAL INTERNSHIP

5 O.S. Ch. 1, App. 6

(Including Amendments, Regulations and Rule Interpretations
through December 15, 2015)



OKLAHOMA BAR ASSOCIATION

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RULES OF THE SUPREME COURT ON LICENSED LEGAL INTERNSHIP

RULE 1 PURPOSE OF THE LICENSED LEGAL INTERNSHIP RULES

Rule 1.1 Purpose

The purpose of these rules is to provide supervised practical training in trial advocacy and professional ethics to law students and to law graduates who have applied to take the first Oklahoma Bar Examination after graduation. The Legal Internship Program is not for the purpose of, nor to be used as, a vehicle to secure new or additional clients for the supervising attorney (see Interpretation 96-1).

RULE 2 ELIGIBILITY FOR A LIMITED LICENSE

Rule 2.1 Law Student Applicant

The law student applicant must meet the following requirements in order to be eligible for a limited license as a Licensed Legal Intern:

- (a) Have successfully completed half of the number of academic hours in a law school program leading to a Juris Doctor Degree required by the American Bar Association Accreditation Standards. Those hours must include the following courses: Professional Responsibility, Evidence and Civil Procedure I & II. A law student may apply when he or she is enrolled in courses which upon completion will satisfy this requirement (see Interpretations 98-2 and 2002-1). (Amended October 25, 2011)
- (b) Have a graduating grade point average at his or her law school.
- (c) Have approval of his or her law school dean.
- (d) Have registered and been accepted as a law student with the Board of Bar Examiners of the Oklahoma Bar Association. Provided, that students from outside Oklahoma who are attending law school in Oklahoma, are exempt from registering as a law student in Oklahoma upon a satisfactory showing of similar registration and approval in a state whose standards for admission are at least as high as those for Oklahoma. The determination of the equivalence of standards is to be made by the Legal Internship Committee (see Interpretation 98-3).
- (e) Be a regularly enrolled student at a law school located in the State of Oklahoma.

Rule 2.1A Academic Legal Intern License

A law student not otherwise eligible for licensure under Rule 2 and enrolled in a law school academic program that requires the utilization of an intern's license must meet the following requirements in order to be eligible for a limited license as an Academic Legal Intern (Adopted May 16, 2011):

(1) Requirements

- (a) Be a regularly enrolled student at an accredited law school located in the State of Oklahoma;
- (b) Have successfully completed one-third (1/3) of the number of academic hours in a law school program leading to a Juris Doctor Degree required by the American Bar Association Accreditation Standards;
- (c) Have a graduating grade point average at his or her law school;
- (d) Have approval of his or her law school dean or the dean's designate;

- (e) Have either completed or be concurrently enrolled in Professional Responsibility and Evidence Courses;
- (f) Successfully pass the examination required by Rule 5.2;
- (g) Be registered with the Oklahoma Board of Bar Examiners; and
- (h) Be enrolled in a law school course that will provide direct law school faculty supervision for the student's activities under the Academic Legal Intern License, including physical presence of a supervising faculty member at all court appearances.

(2) Limitations

All limitations and procedures which apply to the regular limited license shall apply to the academic limited license, except the Academic Legal Intern shall make no court appearance without a faculty supervisor present. The Academic Legal Intern's license may only be used in conjunction with enrollment in a program established pursuant to Rule 4.1(a).

(3) Expiration of Academic Legal Intern License

Once an Academic Legal Intern is no longer enrolled in a course described in Rule 2.1A(1)(h), the student's Academic Legal Intern License must be placed on inactive status. If the student wants to use a Limited Legal Intern License thereafter, that student shall have to meet all qualifications for a Limited Legal Intern License under Rule 2.1 or Rule 2.2, including the submission of a current application and payment of an application fee, however, the student shall not have to retake the Legal Internship Examination.

Rule 2.2 Law Graduate Applicant

The law graduate applicant must meet all of the requirements to take the first Oklahoma Bar Examination after graduation from law school in order to be eligible to apply for a limited license (see Interpretations 97-3, 97-4, 2012-1 and 2015-1).

RULE 3 SUPERVISING ATTORNEYS

Rule 3.1 Eligibility

To be eligible to act as a supervising attorney for a Licensed Legal Intern an attorney must meet the following requirements:

- (a) Be an active member of the Oklahoma Bar Association.
- (b) Be actively engaged in the practice of law at least five (5) years. If the supervising attorney is a staff member of a recognized legal aid program, public defender program, district attorney office, municipal attorney office, the Attorney General of the State of Oklahoma, or office of any other government agency, that attorney must have been actively engaged in the practice of law for at least one (1) year. If the supervising attorney is part of an approved law school internship program, no minimum length of practice is required to become a supervising attorney.
- (c) Not have a formal complaint pending pursuant to Rule 6 of the Rules Governing Disciplinary Proceedings (5 Okl. St. Ann. Ch. 1, App. A). If a proposed supervising attorney is denied for this reason, he or she may appeal to the Professional Responsibility Commission of the Oklahoma Bar Association.

(d) Initially file an affidavit with the Executive Director of the Oklahoma Bar Association acknowledging the responsibilities of a supervising attorney and accepting the requirements of the Legal Internship Rules.

Rule 3.2 Approved List

The Executive Director of the Oklahoma Bar Association shall keep a list of all approved supervising attorneys.

Rule 3.3 Number of Supervising Attorneys

A Licensed Legal Intern may have only one supervising attorney at any one time.

Rule 3.4 Substitute Supervising Attorney

Another attorney may appear with a Licensed Legal Intern as a substitute supervising attorney if that attorney meets all requirements to become a supervising attorney except that he or she need not have filed the initial affidavit or be on the list of approved supervising attorneys. A substitute supervising attorney must:

- (a) Be a member of the same law firm as the supervising attorney, or
- (b) Be an attorney in another law firm or a sole practitioner in an office sharing arrangement with the supervising attorney and the supervising attorney must enter his or her appearance as co-counsel in each case where the Licensed Legal Intern uses the limited license (see Interpretation 2007-1).

Rule 3.5 Number of Licensed Legal Interns

No attorney shall have supervision over more than three (3) Licensed Legal Interns at any one time. This requirement shall not apply to any attorney who is a staff member of a recognized legal aid program, public defender program, district attorney office, municipal attorney office, attorney general's office, or an approved law school internship program, including law school clinical programs.

Rule 3.6 Change of Supervising Attorney

A Licensed Legal Intern may change his or her supervising attorney by filing with the Executive Director of the Oklahoma Bar Association a change of supervisor form as provided by the Legal Internship Committee and paying the appropriate fee required by Rule 10. The Licensed Legal Intern shall not use his or her limited license under the new supervising attorney until the Licensed Legal Intern receives notification from the Oklahoma Bar Association that the new supervising attorney is approved.

Rule 3.7 Responsibilities of Supervising Attorney

Approved supervising attorneys have the following responsibilities:

- (a) Provide every opportunity for the Licensed Legal Intern to participate or observe courtroom experience.
- (b) Supervise and counsel the Licensed Legal Intern on all legal matters assigned to the Licensed Legal Intern, to insure proper preparation and quality representation by the Licensed Legal Intern.
- (c) Advise the client of the status of the Licensed Legal Intern and the nature of the limited license prior to obtaining the written consent of the client to the Licensed Legal Intern's representation.
- (d) Assume personal professional responsibility for the legal work performed by the Licensed Legal Intern under his or her supervision.

- (e) Read and understand these Rules on Licensed Legal Internship and specifically discuss with the Licensed Legal Intern the limitations placed on the limited license by these rules.
- (f) Provide practical training in trial advocacy and professional ethics to the Licensed Legal Intern.
- (g) Cooperate with the Licensed Legal Intern's law school on any reporting or evaluation requirements of the approved internship practice program.
- (h) Agree to assist in the administration of the Licensed Legal Internship Rules by serving as a reviewing panelist or other capacity as may be requested on the Legal Internship Committee.

Rule 3.8 Termination of Supervising Attorney Approval

- (a) The Legal Internship Committee shall terminate its approval of any supervising attorney when:
 - (1) The requirements as to eligibility are not being met by the attorney, or
 - (2) Good cause is shown which includes, but is not limited to, failure to require the Licensed Legal Intern to meet the monthly in-court practice requirement.
- (b) Before the approval of a supervising attorney may be terminated, the supervising attorney shall be provided notice and the opportunity for a hearing before the Legal Internship Committee where the attorney shall be required to show cause why approval should not be terminated. The decision of the Legal Internship Committee shall be final with no right to appeal.

RULE 4 LAW SCHOOL INTERNSHIP PROGRAMS

Rule 4.1 Approved Law School Internship Programs

A law school may create an internship training program as part of its regular curriculum which uses Licensed Legal Interns licensed by the Supreme Court of the State of Oklahoma. These programs may be of two types:

- (a) A program directly supervised by the faculty of the law school, which may also use Academic Legal Interns. (Amended May 16, 2011)
- (b) A program directly supervised by practicing attorneys with indirect supervision through the faculty of the law school.

Rule 4.2 Minimum Criteria for Law School Programs

Each law school shall be responsible for the creation of its own criteria for the establishment of a Licensed Legal Internship Program. Each law school may impose requirements more stringent than these rules; however the program must meet the following minimum criteria:

- (a) All Licensed Legal Internship Programs shall be directed toward assuring the maximum participation in court by the Licensed Legal Intern.
- (b) The law school shall create a reporting system where the Licensed Legal Intern reports activities at least on a monthly basis. The reports shall be signed by the Licensed Legal Intern and the supervising attorney on the forms established by the law school. The report shall include a statement by the supervising attorney that the Licensed Legal Intern completed the number of in-court practice hours reported.
- (c) The law school shall require the termination of the Licensed Legal Intern in the program or his transfer to another supervising attorney if the in-court practice requirement is not maintained or the requirements of the law school Licensed Legal Internship Program are not satisfactorily met.

Rule 4.3 Approval of Law School Programs

The Legal Internship Committee shall review the law school's Licensed Legal Internship Program to determine if it meets these requirements and notify the law school of any deficiencies.

RULE 5 PROCEDURE TO OBTAIN LIMITED LICENSE

Rule 5.1 Documentation

A law student or a law graduate may obtain a limited license to practice law as a Licensed Legal Intern in the State of Oklahoma in the following manner:

(a) Application Form

- (1) File an application form that is provided by the Executive Director of the Oklahoma Bar Association.

(b) Law School Certificate

- (1) A law student applicant shall have his or her school furnish to the Executive Director of the Oklahoma Bar Association a certification that the student has completed sufficient academic hours to comply with the eligibility requirements and that the student does have a graduating grade point average. The law school shall also provide a letter from the dean stating that in the opinion of the dean the student is aware of the professional responsibility obligations connected with the limited license and that in the dean's opinion the applicant is capable of properly handling the obligations which will be placed upon the student through the use of the limited license.
- (2) A law graduate applicant shall request his or her law school to furnish to the Executive Director of the Oklahoma Bar Association a certificate that the student has graduated from law school and attach the certificate to the application.

(c) Supervising Attorney Form

- (1) The law student applicant and the law graduate applicant must attach to their application the supervising attorney form signed by an approved supervising attorney certifying that the supervising attorney:
 - (a) Will employ applicant under his or her direct supervision;
 - (b) Recommends the applicant for a limited license;
 - (c) Has read and understands the Licensed Legal Internship Rules; and
 - (d) Agrees to provide the opportunity for the applicant to obtain the required number of monthly in-court practice hours.
- (2) The law student applicant may take the Licensed Legal Internship Examination without filing the Supervising Attorney Form but may not be sworn in as a Licensed Legal Intern until the Supervising Attorney Form is filed and approved.

(d) Enrollment Form

- (1) The law student applicant shall provide proof that he or she is enrolled in an approved law school internship program prior to being sworn in as a Licensed Legal Intern.

(e) Application Fee

- (1) Pay a onetime application fee as provided in Rule 10.

Rule 5.2 Licensed Legal Internship Examination

Applicants for a limited license shall prove they are knowledgeable of the Legal Internship Rules and Professional Responsibility Rules in the following manner:

(a) Law Student Applicant

- (1) If a written examination is given it will be an examination prepared by the Legal Internship Committee and/or the Multi-State Professional Responsibility Examination.
- (2) If an oral examination is given, the law student applicant must be approved by a three member panel of supervising attorneys or other attorneys who are appointed by the Legal Internship Committee to review law student applications. Two of the members of the panel may perform any act for the panel.

(b) Law Graduate Applicant

The law graduate application must be reviewed and approved by a panel of attorneys appointed by and serving at the pleasure of the Oklahoma Supreme Court. The Supreme Court Reviewing Panel shall advise the Executive Director of the Oklahoma Bar Association of the results of the review on all law graduate applicants (see Interpretations 97-3, 97-4, 2012-1 and 2015-1).

(c) Date of Examination

The Executive Director of the Oklahoma Bar Association, after consultation with each of the law schools in the State of Oklahoma and the Supreme Court Reviewing Panel, shall set the dates for the Legal Internship Examinations and advise the applicant, the Licensed Legal Internship Committee, the law schools, and the reviewing panel members of the date and place for the written or oral examinations.

Rule 5.3 Duties of the Oklahoma Bar Association

The Oklahoma Bar Association through the Executive Director shall:

- (a) Review all application forms for a limited license to practice law as a Licensed Legal Intern in the State of Oklahoma to determine if the applicant is eligible for a limited license under these rules and advise the applicant if any deficiencies exist.
- (b) Review all applications from attorneys to become supervising attorneys to determine if all requirements have been met for an attorney to become a supervising attorney and advise the supervising attorney if any deficiencies exist.
- (c) Forward to the Chief Justice of the Supreme Court of Oklahoma the names of all applicants who have met the requirements of these rules in order to be granted a limited license to practice law in the State of Oklahoma. If it is determined that an applicant has not met all requirements under these rules an appeal may be taken to the Legal Internship Committee. The decision of the Legal Internship Committee is final and the applicant does not have a further right to appeal.

Rule 5.4 Decision by the Oklahoma Supreme Court

The Oklahoma Supreme Court shall grant or deny the application for a limited license. Its decision shall be

forwarded to the Executive Director of the Oklahoma Bar Association who shall inform the applicant of the court's decision.

Rule 5.5 Licensed Legal Intern Oath of Office

The applicant will be informed by the Executive Director of the Oklahoma Bar Association as to when he or she may appear before the Supreme Court, a Justice of the Supreme Court, the Court of Criminal Appeals or the judge thereof, or one of the Courts of Appeal or a judge thereof to take the oath of office. A special oath of office shall be prepared by the Oklahoma Supreme Court and administered to all successful applicants prior to the granting of the limited license.

Rule 5.6 Licensed Legal Intern Title

The applicant who is granted a limited license by the Oklahoma Supreme Court shall be known as a Licensed Legal Intern.

RULE 6 TERM OF LIMITED LICENSE

Rule 6.1 Termination of the Limited License

The limited license shall terminate automatically when:

- (a) A Licensed Legal Intern's cumulative grade point average falls below a graduating grade point average for his or her particular law school.
- (b) A Licensed Legal Intern no longer is working for an approved supervising attorney.
- (c) A Licensed Legal Intern has passed the first bar examination given after the Licensed Legal Intern graduated from law school and is administered the oath by the Oklahoma Supreme Court admitting the Licensed Legal Intern as a practicing attorney.
- (d) A Licensed Legal Intern has not finished requirements for graduation from law school within twenty-four months following being sworn in as a Licensed Legal Intern. Upon application and good cause being shown the Legal Internship Committee or the Supreme Court Reviewing Panel may extend the term of the limited license for a period not to exceed one year.
- (e) For any reason a Licensed Legal Intern is no longer enrolled in an approved law school internship program without having completed the requirements for graduation. A Licensed Legal Intern need not be enrolled in such a course for summer sessions or vacation periods.
- (f) The Licensed Legal Intern does not pass or fails to take the Oklahoma Bar Examination immediately subsequent to the Licensed Legal Intern's graduation from law school (see Interpretations 96-1, 97-3, 97-4, 98-5, 2000-1 and 2012-1).
 - (1) However the Licensed Legal Intern may petition for reinstatement after failing the Bar Examination the first time by showing good cause and filing an appropriate law graduate application with the Executive Director of the Oklahoma Bar Association. Reinstatement petitions shall be heard by the Supreme Court Reviewing Panel.
- (g) The Licensed Legal Intern otherwise fails to be administered the oath by the Supreme Court and admitted to practice immediately subsequent to the Licensed Legal Intern's graduation from law school.

Rule 6.2 Inactive Status of the Limited License

A Licensed Legal Intern can avoid termination of the limited license under Rule 6.1(b) or (e) and therefore

inactivate his or her limited license by notifying the Executive Director of the Oklahoma Bar Association in writing of the inactive status of his or her limited license. The limited license can then be reactivated in a future semester or upon graduation by the Licensed Legal Intern notifying the Executive Director of the Oklahoma Bar Association of his or her intention to reactivate the limited license and filing a new supervising attorney form (see Interpretations 98-4 and 98-5).

Rule 6.3 Revocation of the Limited License

For good cause the Legal Internship Committee may revoke the limited license of any Licensed Legal Intern after notice is given and a hearing afforded. An order of revocation must be filed with the Executive Director of the Oklahoma Bar Association and a copy sent to the Chief Justice of the Supreme Court but will not be filed in the Supreme Court. Upon revocation of the limited license the Licensed Legal Intern shall surrender his or her license to the Executive Director of the Oklahoma Bar Association.

RULE 7 PRACTICE UNDER THE LIMITED LICENSE

Rule 7.1 Applicable to Courts of Record, Municipal Courts and Administrative Agencies

Subject to the limitations in these Licensed Legal Internship Rules, the limited license allows the Licensed Legal Intern to appear and participate in the State of Oklahoma before any Court of Record, municipal court, or administrative agency. The Licensed Legal Intern shall be subject to all rules applicable to attorneys who appear before the particular court or agency.

Rule 7.2 In-Court Practice Requirement

The Licensed Legal Intern who is working for a practicing attorney, district attorney, municipal attorney, attorney general, or state governmental agency shall have at least eight (8) hours per month of in-court experience. Such experience may be obtained by actual in-court participation by the Licensed Legal Intern or by actually observing the supervising attorney or other qualified substitute supervising attorney in courtroom practice.

Rule 7.3 Supervision of Approved Supervising Attorney

All actions of the Licensed Legal Intern shall be under the direction and supervision of an approved supervising attorney, and the Licensed Legal Intern shall not assume the responsibility of representation without reviewing the procedures and consequences of each particular case with his or her supervising attorney.

Rule 7.4 Licensed Legal Intern Signature and Identification of Status

A Licensed Legal Intern shall not sign any pleading, motion or brief which is to be filed unless the document is co-signed by the Licensed Legal Intern's supervising attorney. A Licensed Legal Intern shall not represent himself or herself as an attorney but shall be identified as a Licensed Legal Intern in all written or oral communications (see Interpretation 2010-1).

Rule 7.5 Criminal Representation Limitations

Representation by the Licensed Legal Intern in criminal cases is limited in the following manner:

- (a) If the Licensed Legal Intern is employed by a prosecutor, the supervising attorney must be present in court:
 - (1) At a jury trial in either a felony or misdemeanor case.
 - (2) At the non-jury trial of a felony case.

(3) In all other situations the supervising attorney need not be present in court (see Interpretation 2010-1)

(b) If the Licensed Legal Intern is employed by a defense attorney in a criminal case, the supervising attorney must be present in district court or in municipal court:

(1) At all stages of a felony case.

(2) At a jury trial of either a felony or misdemeanor case.

(3) At all stages of a misdemeanor case when a second conviction for the same crime constitutes a felony under Oklahoma law.

In all other situations the supervising attorney need not be present in district court or municipal court (see Interpretation 2010-1).

Rule 7.6 Civil Representation Limitations

Representation by the Licensed Legal Intern in civil cases is limited in the following manner:

(a) In civil matters where the controversy does not exceed the jurisdictional limit specified in Title 20 Oklahoma Statutes, Section 123(A)(1), exclusive of costs and attorneys fees, a Licensed Legal Intern may appear at all stages without a supervising attorney being present (see Interpretations 97-1, 97-2 and 2010-1).

(b) In civil matters where the controversy exceeds the jurisdictional limit specified in Title 20 Oklahoma Statutes, Section 123(A)(1), a Licensed Legal Intern may appear without a supervising attorney being present only in the following situations:

(1) Waiver, default, or uncontested divorces.

(2) Friendly suits including settlements of tort claims.

(3) To make an announcement on behalf of a supervising attorney.

(4) Civil motion dockets, provided that a Licensed Legal Intern may prosecute but not defend motions and/or pleadings that may or could be the ultimate or final disposition of the cause of action.

(5) Prosecute or defend contested motions to modify child support orders or decrees except when a change of custody of minor child is involved (see Interpretation 89-1).

(6) Depositions.

(7) Uncontested probate proceedings, provided that the supervising attorney has reviewed and signed the proposed pleading that will be presented to the Judge for approval.

(c) In all other civil legal matters, including but not limited to contested probate, contested divorces and adoption proceedings, and ex-parte matters, such as temporary orders in divorce cases, restraining orders, temporary injunctions, etc., the Licensed Legal Intern shall only appear when accompanied by and under the supervision of an approved supervising attorney (see Interpretations 91-2, 96-2, 97-1 and 2010-1).

Rule 7.7 Juvenile Delinquent and Deprived Proceeding Representation

Representation by the Licensed Legal Intern in juvenile cases is limited in the following manner (see Interpretation 2010-1):

- (a) The supervising attorney **must be present** in court:
 - (1) During bench and jury trials.
 - (2) During Prospective Merit and Probable Cause hearings.
 - (3) During Show Cause appeals.
 - (4) During Review hearings.
 - (5) During Show Cause hearings when the Licensed Legal Intern is representing the parent or child.

The supervising attorney **need not be present** in court:

- (1) During the presentation of a plea agreement, if the attorney has signed the agreement.
- (2) During bond and/or Detention hearings.
- (3) During Arraignment hearings.
- (4) During Show Cause hearings, when the Licensed Legal Intern is representing the State.

Rule 7.8 Appellate Representation Limitations

In all appellate matters, criminal or civil, the Licensed Legal Intern shall appear before the court only when accompanied by, and under the supervision of, an approved supervising attorney.

RULE 8 PERMISSION OF CLIENT

Rule 8.1 Permission of Client

Before a Licensed Legal Intern may act on behalf of any client, permission of that client shall be obtained by the supervising attorney (see Interpretation 91-3). That permission shall be shown to the court in the following manner:

- (a) In a criminal prosecution where confinement is a possible punishment, the trial court shall interrogate the defendant in open court, prior to the trial in order to determine whether the defendant knows the status of a Licensed Legal Intern, that the Licensed Legal Intern is not a fully accredited lawyer, and that the defendant knowingly and intelligently understands the nature of his right to an attorney. The defendant knowing this information must consent to have the Licensed Legal Intern represent him. A record shall be made of the questions asked and the answers given. The supervising attorney shall prepare and cause to be filed in the case an authorization, signed by the supervising attorney and the defendant authorizing the Licensed Legal Intern to represent the defendant in the case. The authorization shall substantially conform to the example set forth in Exhibit "A".
- (b) In a civil case, the supervising attorney shall prepare and have the client sign an authorization which recites that the supervising attorney has explained the status of the Licensed Legal Intern to the client and that the client consents to representation by the Licensed Legal Intern. The authorization shall substantially conform to the example set forth in Exhibit "A". The original of this authorization shall be filed in the trial court's file when the intern first makes an appearance in the proceeding and a copy shall

be mailed to all parties in the case. When the supervising attorney-client relationship is a continuing one, one omnibus authorization shall be sufficient and copies of the original may be filed in later cases as appropriate (see Interpretation 91-1).

RULE 9 COMPENSATION OF THE LICENSED LEGAL INTERN

Rule 9.1 Compensation of the Licensed Legal Intern

No Licensed Legal Intern may charge a client for services. However the supervising attorney may charge fees for the services rendered by the Licensed Legal Intern. The supervising attorney is entitled to be awarded attorneys fees for the services rendered by the Licensed Legal Intern in those cases where the awarding of attorneys fees is provided by law. Nothing herein shall prevent the supervising attorney or agency from compensating the Licensed Legal Intern for work done. However, Licensed Legal Interns shall be considered non-lawyers for the purpose of any Disciplinary Rule governing the division of legal fees.

RULE 10 FEES

Rule 10.1 Fees

The following fees shall be paid to the Oklahoma Bar Association:

- (a) Application Fee - A non-refundable fee of \$50.00 per application.
- (b) Application for Reinstatement Fee - A non-refundable fee of \$50.00 per application.
- (c) Change of Supervisor Fee - A non-refundable fee of \$10.00 per application.

RULE 11 LEGAL INTERNSHIP COMMITTEE

Rule 11.1 Creation

In order to assist the Oklahoma Bar Association and the Oklahoma Supreme Court in administering these rules, there is created the Legal Internship Committee as a permanent committee of the Oklahoma Bar Association. At least one representative from the faculty of each law school in Oklahoma shall be appointed a member on the Legal Internship Committee.

Rule 11.2 Responsibilities of the Licensed Legal Internship Committee

The Legal Internship Committee has the following responsibilities:

- (a) Furnish copies of these rules to law student and law graduate applicants for a limited license.
- (b) Furnish copies of these rules to supervising attorneys.
- (c) Supervise the administration of these rules and make suggestions to the Oklahoma Bar Association and the Oklahoma Supreme Court for improvement, amendment, and revision of these rules.
- (d) Develop and approve any forms required by these Rules with the cooperation of the Oklahoma Bar Association.
- (e) Promulgate such regulation as may become necessary in order to effectuate the intentions of these rules.

REGULATIONS OF THE OKLAHOMA BAR ASSOCIATION LEGAL INTERNSHIP COMMITTEE

Pursuant to Rule 11.2(e) of the Rules of the Supreme Court on Legal Internship, the OBA Legal Internship Committee has adopted the following Regulations through March 26, 2009:

REGULATION 1 INTERPRETATION AND REVISION OF LEGAL INTERNSHIP RULES

- (A) Any person having a question regarding the Legal Internship Rules, Regulations, or Rule Interpretations shall direct the question to the Legal Intern Coordinator at the Oklahoma Bar Association or the Chair of the OBA Legal Internship Committee. The Legal Intern Coordinator, in consultation with the Chair if necessary, may informally respond to all questions, unless they are covered by paragraph B of this Regulation. The inquiry and/or response may be oral unless any participant in the inquiry requests that it be in writing.
- (B) If the Legal Intern Coordinator or Chair believes at any stage that the inquiry raises an issue not covered by existing Rules, Regulations or Rule interpretations, or raises an ambiguity in the existing Rules, Regulations or Rule Interpretations, or if the person making the inquiry is not satisfied with the informal response and requests in writing that the question be considered further, the question shall be placed on the agenda of the next meeting of the Legal Internship Committee for consideration. The Committee may affirm the response of the Legal Intern Coordinator, direct the Legal Intern Coordinator to make a different response, issue a formal Rule Interpretation, revise the Regulations, or recommend amending the Rules.
- (C) If the Committee issues a formal Rule Interpretation or revises a Regulation, a copy of the Rule Interpretation or revised Regulation shall be provided to each law school, the person making the inquiry, and all current Licensed Legal Interns and supervising attorneys. It shall also be published in one issue of the Oklahoma Bar Journal and on the OBA website. Formal Rule Interpretations and revised Regulations shall control unless changed by the Oklahoma Bar Association Board of Governors or the Oklahoma Supreme Court. An annual summary of formal Rule Interpretations and revised Regulations shall be transmitted to the OBA Board of Governors no later than August 1 of each year, including all formal Rule Interpretations and revised Regulations from July 1 of the previous year to June 30 of the current year. After review by the Board of Governors, the report shall be transmitted to the Oklahoma Supreme Court by September 1 of that year.
- (D) If the Committee recommends a revision to the Rules, the proposed revision shall be submitted in writing to the next meeting of the OBA Board of Governors for consideration. Upon approval of the Board of Governors, the proposed revision to the Rules shall be sent to the Supreme Court of Oklahoma for consideration. Proposed revisions to the Rules are not effective until adopted by Order of the Supreme Court of Oklahoma. After approval by the Supreme Court, the revised Rule shall be provided to all participants in the Legal Internship Program and published in the Oklahoma Bar Journal.

REGULATION 2 DEFINITION OF "IN COURT" PRACTICE EXPERIENCE

- (A) Licensed Legal Interns subject to Rule 7.2 who are enrolled in an approved law school internship program may accumulate "in court" practice experience throughout a law school semester as long as the total "in court" practice experience hours required during a semester is equivalent to at least eight (8) hours per month considering the number of months in a semester.
- (B) A Licensed Legal Intern who is not enrolled in an approved law school internship program due to graduation or other vacation period shall obtain at least eight (8) hours each month of "in court" practice experience without accumulation from month to month.

(C) The definition of “in court” practice experience includes:

1. Actual participation by the Licensed Legal Intern in a courtroom proceeding in Oklahoma. However, it must be remembered that under the Legal Internship Rules, the Licensed Legal Intern is not authorized to actually participate in Federal Court proceedings unless an individual judge grants permission or a Rule of the Federal Court permits such practice.
2. Actually observing the Licensed Legal Intern’s supervising attorney or other qualified substitute supervising attorney in a courtroom proceeding. The Licensed Legal Intern may observe courtroom proceedings handled by his or her supervising attorney in Federal Court and courts in other states.
3. Actual observation of an attorney other than the supervising attorney or a qualified substitute supervising attorney only if:
 - (a) the attorney being observed meets the qualifications of Rule 3.1(a)(b) & (c); and
 - (b) the supervising attorney or a qualified substitute supervising attorney is present.

This observation may be in Federal Court and the courts of other states.

4. Participation by the Licensed Legal Intern or observation of the Licensed Legal Intern’s supervising attorney or other qualified substitute supervising attorney shall satisfy the “in court” practice experience requirement under the following circumstances even though the proceeding does not necessarily occur in a courtroom:
 - (a) Judges chambers proceedings - only with the judge and opposing counsel present. For example, a pre-trial conference or settlement conference before a judge. Time spent in the hall negotiating with opposing counsel concerning the matters to be raised at the pre-trial conference or settlement conference would not be considered “in court” practice experience.
 - (b) Ex parte proceedings - only for the amount of time the Licensed Legal Intern’s case is before the Judge and only in conformance with Rule 7.6(b)(4). For example, obtaining a signature approving a motion to enter or authorizing publication notice or a temporary restraining order generally would only provide brief opportunities to accumulate “in court” practice experience.
 - (c) Taking or defending depositions - a maximum of nine (9) deposition hours may accumulate and be counted during a fall or spring semester and a maximum of four and one-half (4.5) deposition hours may accumulate during a summer semester and be counted.
 - (d) Motion, arraignment or other sounding dockets - only when the Licensed Legal Intern’s case is being argued before the court.
 - (e) Administrative hearing body - only when the hearing officer or a member of the hearing panel is an attorney and the proceeding is adjudicative in nature. For example, administrative hearings that would provide “in court” practice experience include those hearings before: Corporation Commission, Oklahoma Tax Commission, Department of Public Safety, Social Security Administration, and Employment Security Commission. On the other hand administrative hearings that would not provide “in court” practice experience include those hearings before: City Council and City Planning Commissions.
 - (f) Asset hearings - including all time the Licensed Legal Intern spent questioning a witness whether or not the judge remains present for the entire hearing.
 - (g) Tribal Court proceedings.

- (h) Up to two (2) hours per month of drafting pleadings and motions that are subsequently filed in substantially the form prepared by the Licensed Legal Intern.
 - (i) Settlement conferences, mediations, and arbitrations conducted by attorney mediators/arbitrators/settlement judges are considered “in court” practice experience (see Interpretation 90-1).
 - (j) 341 Hearings of Creditors in U.S. Bankruptcy Courts are considered “in court” practice experience (see Interpretation 98-1).
5. Unless Regulation 2(c)(3) applies, observation of an attorney who is not the Licensed Legal Intern’s supervising attorney or other qualified substitute supervising attorney shall not satisfy the “in court” practice experience requirement.

REGULATION 3 WRITTEN LEGAL INTERNSHIP EXAMINATION

(A) Security Requirements

1. Purpose

The purpose of this Security Regulation is to create a protocol for the physical handling of the Legal Internship Examination in order to protect and preserve its integrity.

2. Examination Security

The Legal Internship Examination and all related confidential electronic files must be stored behind password protection by the Legal Intern Coordinator at the Oklahoma Bar Association and at each of the Colleges of Law.

3. Examination Preparation

(a) The designated person at each College of Law shall print the exams, answer sheets, and cover sheets no earlier than 24 hours prior to each scheduled examination cycle.

(b) The printed examination packets shall be secured under lock and key until the time the examination is administered.

4. Examination Security Follow-up

(a) All unused examinations shall be destroyed immediately following administration of the examination.

(b) All scored examinations shall be placed in a confidential file or files designated by the College of Law and shall be kept under lock and key until such time as they are destroyed pursuant to the College of Law’s procedure.

(c) Examinations shall not be reviewed by students.

(B) Uniformity of Examination Dates

1. The Legal Internship Examination shall be administered in five (5) scheduled examination cycles annually by each of the Colleges of Law as follows:

(a) In January, on a Thursday or Friday no later than the end of the second week in which classes are held at the particular College of Law;

- (b) In April, on a Thursday or Friday, no later than the end of the first full week of April;
(Approved December 15, 2014)
- (c) Either one (1) week before the start of the College of Law's summer term or at the end of the first week in which classes are held in the College of Law's summer term;
- (d) No later than the end of the second full week in which classes are held in the fall term at the particular College of Law; and
- (e) In November, on a Thursday or Friday, no later than the end of the first full week of November.
(Approved September 23, 2002)

2. Each College of Law shall notify the Executive Director of the dates set for the Legal Internship Examination at the particular College of Law, consistent with Regulation 3(A)(1). The notice required by this section shall be given as soon as the dates are set and as soon as any change is made to a previously-notified date, but no less frequently than annually. The Executive Director shall periodically cause a compilation of the examination dates for all the Colleges of Law to be sent to each College of Law, the Supreme Court Reviewing Panel, and the Legal Internship Committee.
(Approved September 23, 2002)

(a) Weather Emergency Policy

If there is a weather emergency on any examination date, as determined by the affected College of Law, a substitute examination date shall be set as soon as practicable. The substitute examination date shall be set by the affected College of Law. The affected College of Law shall immediately notify the Legal Intern Coordinator about the change in the examination date. If the weather emergency substitute examination date is outside the dates set forth in Regulation 3(B)(1), the Executive Director or the Legal Intern Coordinator, if authorized by the Executive Director, must approve the substitute examination date.

(C) Examination Administration Policies

1. The Colleges of Law shall administer only one (1) examination during each scheduled examination cycle.
2. A student shall take only one (1) examination during each scheduled examination cycle.
3. A student shall take the Legal Internship Examination administered at the College of Law in which the student is enrolled, except as allowed in Section (E) below.
4. Nothing in this section shall prohibit a student that fails the examination in one examination cycle from taking the examination again in the next scheduled examination cycle.

(D) Examination Scoring Policies

1. The Legal Internship Examination shall contain two one (1) hour sections.
 - (a) Section A shall consist of fifty (50) questions from the Rules of the Supreme Court of the State of Oklahoma on Legal Internship.
 - (b) Section B shall consist of fifty (50) questions from the Oklahoma Rules of Professional Conduct.

2. The minimum passing score shall be 70% on each section.
 - (a) All students must take Section A.
 - (b) A student that has been successfully tested over the Rules of Professional Conduct by achieving the minimum passing score for the State of Oklahoma on the Multistate Professional Responsibility Examination (MPRE) shall be exempt from taking Section B of the examination.
 - (c) A student that has not achieved the minimum passing MPRE score for the State of Oklahoma shall take Section B.
3. A student that passes only one section of the examination may retain the passing score and retake the failed section during the next scheduled exam cycle.
 - (a) A passing score shall only carry over to the next scheduled examination cycle.
 - (b) If a student does not take or pass the previously failed section during the next scheduled examination cycle, the student must retake both sections of the examination.
4. If a student passes Section A, fails Section B, but achieves the minimum passing MPRE score for the State of Oklahoma prior to the next scheduled examination cycle, the passing MPRE score shall substitute for a passing score on Section B.

(E) Accommodations for Testing Locations

1. For good cause shown, a student may request permission to take the Legal Internship Examination at any of the Colleges of Law.
 - (a) A student wishing this accommodation must submit the request to the College of Law in which the student is enrolled.
 - (b) If the request is approved, the student's College of Law shall make the appropriate arrangements with the requested College of Law.

(F) Accommodations for Special Needs Students

1. Insofar as procedures for the administration of the Legal Internship Examination for special needs students are concerned, the Colleges of Law shall apply the same policy of accommodation to special needs students that apply in administering their law school examinations. (Adopted June 1, 2008; Amended June 26, 2008)

REGULATION 4 FALSE REPRESENTATIONS AS TO BEING A SUPERVISING ATTORNEY OR AS TO BEING A LICENSED LEGAL INTERN

Whenever the Legal Internship Committee is informed that an attorney has allegedly represented him/herself as a supervising attorney and/or represented that a law student in his/her employ is a Licensed Legal Intern, when according to the records of the Oklahoma Bar Association such attorney is not an approved supervising attorney or such student is not an active Licensed Legal Intern, that information shall be forwarded by the Chair of the Legal Internship Committee to the General Counsel of the Oklahoma Bar Association without comment or further investigation by the Legal Internship Committee.

REGULATION 5 APPLICATION DEADLINES FOR LAW GRADUATE APPLICATIONS IMMEDIATELY AFTER GRADUATION AND IMMEDIATELY FOLLOWING FAILURE OF THE FIRST OKLAHOMA BAR EXAMINATION

Application Deadlines – Generally. All application deadlines means **RECEIPT** of application in the office of the Legal Intern Coordinator of the Oklahoma Bar Association, 1901 North Lincoln Boulevard, PO Box 53036, Oklahoma City, Oklahoma 73152. **NOT** a postmark deadline. If a deadline falls on a non-business day (i.e. Saturday, Sunday or legal holiday), applications will be accepted until the close of business, 5:00 p.m., on the first business day immediately following the deadline.

Application Fees – Generally. all application fees are non-refundable.

(A) Law Graduate Application for a Limited License to Practice Law in the State of Oklahoma (Form 4)

1. Application deadline for May graduates is the fourth Friday in June immediately following said applicant's graduation.
2. Application deadline for August graduates is the fourth Friday in the following January.
3. Application deadline for December graduates is the fourth Friday in January immediately following said applicant's graduation.

(B) Law Graduate Application for Reinstatement of a Limited License to Practice Law in the State of Oklahoma Following Failure of the First Oklahoma Bar Examination (Form 5)

1. Application deadline for graduates taking the February Oklahoma Bar Examination is the fourth Friday in January.
2. Application deadline for graduates taking the July Oklahoma Bar Examination is the fourth Friday in June.
3. Graduates failing their first Oklahoma Bar Examination are eligible to apply for reinstatement of the limited license to practice law only for the period immediately following notification of such failure to pass the first Oklahoma Bar Examination and must show evidence of being registered with the Board of Bar Examiners to take the next available Oklahoma Bar Examination.

REGULATION 6 NOTICE OF INACTIVE STATUS

To utilize the "inactive status" provided for in Rule 6.2 a Licensed Legal Intern must give the required notice to inactivate his or her limited license before the limited license is automatically terminated under Rule 6.1(b) or (e).

SUMMARY OF LEGAL INTERNSHIP RULE INTERPRETATIONS

The following is a summary list of Legal Internship Interpretations that have been adopted by the Legal Internship Committee pursuant to Regulations. A complete copy of each rule interpretation is available at the Oklahoma Bar Association.

- 89-1 Under Rule 7.6(b)(4), it is permissible for a Licensed Legal Intern to handle, without a supervising attorney present, the prosecution of a Motion to Confirm Sheriff's Sale. (Adopted November 16, 1989; Amended April 17, 2008)
- 90-1 "In court" practice experience includes out of court arbitration only when the arbitrator is an attorney and the decision is binding on all parties. Court sponsored arbitration is within the definition of "in court" time. (Adopted November 15, 1990)
- 91-1 Under Rule 8.1(b), a Licensed Legal Intern employed by the State of Oklahoma and representing an agency of the State of Oklahoma is required to file an appropriate affidavit indicating permission of the state agency being represented. The Licensed Legal Intern should obtain authorization to represent the state agency from the director or someone with authority within the state agency and his or her supervising attorney. (Adopted August, 1991)
- 91-2 Under Rule 7.6(c), a Licensed Legal Intern handling a jury trial in an involuntary commitment/mental health hearing must appear only with a supervising attorney present. (Adopted November 8, 1991)
- 91-3 Under Rule 8.1, a Licensed Legal Intern may act on behalf of a client only after permission of the client has been obtained by the supervising attorney. Since Rule 8.1 allows for no exception, consent is required even if a supervising attorney determines that no substantive representation is involved in a court appearance. (Adopted November 8, 1991)
- 96-1 Rule 6.1, in conjunction with Rule 1.1, means that if a Licensed Legal Intern is not admitted to the Oklahoma Bar following the Oklahoma Bar Examination immediately subsequent to the Licensed Legal Intern's graduation from law school, that Licensed Legal Intern's limited license automatically terminates pursuant to Rule 6.1. (Adopted March 29, 1996)
- 96-2 Rule 7.6(c) requires that a Licensed Legal Intern be accompanied by his/her supervising attorney when appearing in guardianship and change of name proceedings, whether contested or uncontested.
- 97-1 For purposes of Rule 7.6, mediations and arbitrations are "stages" of a civil matter. Therefore, if the amount in controversy exceeds the jurisdictional limit specified in O.S. Title 20 § 123(A)(1), a Licensed Legal Intern may appear at a mediation or arbitration only with a supervising attorney present. (Adopted June 18, 1997; Amended April 17, 2008)
- 97-2 Under Rule 7.6(a), where a garnishment action is instituted within the jurisdictional limits of O.S. Title 20 § 123(A)(1), the Licensed Legal Intern may appear at a hearing on a Claim for Exemption from Garnishment without a supervising attorney present. (Adopted June 18, 1997; Amended May 15, 2008)
- 97-3 Rule 2.2, in conjunction with Rule 5.2(b) and Rule 6.1(f), means a law graduate is only eligible to apply for a Licensed Legal Intern license between graduation from law school and the first Bar Exam after graduation from law school. (Adopted June 18, 1997)
- 97-4 Under Rule 2.2, in conjunction with Rule 5.2(b) and Rule 6.1(f), attorneys licensed to practice in other states are not eligible to apply for a Licensed Legal Intern license as a Law Graduate applicant. (Adopted June 18, 1997)

- 98-1 Appearance at or observing the supervising attorney or a qualified substitute supervising attorney at a 341 Meeting of Creditors in U.S. Bankruptcy Court is considered “in court” practice experience. (Adopted February 9, 1998)
- 98-2 A student who has completed the four (4) hour first year course in Civil Procedure offered by the University of Oklahoma College of Law satisfies the requirement of Rule 2.1(a) for Civil Procedure I and II, because the Civil Procedure course covers the same subject matter areas as formerly presented in Civil Procedures I and II. (Adopted November 11, 1998)
- 98-3 Under Rule 2.1, a law student regularly attending an accredited law school outside Oklahoma, in a state which does not meet the “reciprocity” requirements of Rule 2.1(d), may obtain a Licensed Legal Intern license for the summer if the student meets all the requirements of Rule 2.1 (including having registered and been accepted as a law student with the Board of Bar Examiners of the Oklahoma Bar Association), is enrolled in one or more summer courses at either OU, OCU, or TU, and meets the school’s requirements for participation in the Legal Internship Program. (Adopted December 18, 1998)
- 98-4 Under Rule 6.2, a Licensed Legal Intern who obtains a Temporary Permit by action of the Board of Bar Examiners can avoid termination of the Licensed Legal Intern license by notifying the Executive Director of the Oklahoma Bar Association in writing of the inactive status of his or her limited license by reason of obtaining a Temporary Permit. (Adopted December 18, 1998)
- 98-5 Under Rules 6.1(f)(1) and 6.2, a Licensed Legal Intern whose Licensed Legal Intern license is on inactive status by reason of obtaining a Temporary Permit and who fails the Bar Examination the first time may make application pursuant to Rule 6.1(f)(1) for reinstatement. Reinstatement petitions shall be heard by the Supreme Court Reviewing Panel. (Adopted December 18, 1998)
- 2000-1 Under Rule 6.1(f)(1), if a Licensed Legal Intern fails the Bar Examination the first time, any petition for reinstatement must be accompanied by proof that the Licensed Legal Intern has made application with the Board of Bar Examiners to take the next scheduled Bar Examination after the first failure. If the Licensed Legal Intern does not take the Bar Examination after the first failure, or otherwise fails to be admitted after taking the second Bar Examination, the Licensed Legal Intern license terminates permanently. (Adopted September 10, 2001)
- 2002-1 Under Rule 2.1 (a), “successfully completed half of the number of academic hours in a law school program leading to a Juris Doctor Degree” means that the hours must count toward the Juris Doctor Degree independent of any joint degree program in which the student may be enrolled. Any course approved by the law school faculty through its normal procedures for inclusion in the student’s Juris Doctor Degree requirements shall count toward the one-half requirement. (Adopted September 23, 2002; Amended March 26, 2009; Amended October 25, 2011; Amended January 10, 2012)
- 2007-1 For the purposes of Rule 3.4(a), the term “law firm” shall, in addition to private law offices, also include legal divisions or in-house counsel offices of private businesses, companies, non-profit organizations or public interest groups. The term shall also include the legal division or office of general counsel of any municipal, State, or Federal government entity, or legal aid organization. It is the intent of this rule that any attorney meeting the requirements of Rule 3.1(a-c), who works for the same organization as the Licensed Legal Intern, be allowed to act as a substitute supervising attorney. (Adopted June 14, 2007)
- 2010-1 For the purposes of Rules 7.4, 7.5, 7.6 and 7.7, the terms “pleading, motion or brief” do not include forms, orders or other documents that memorialize proceedings in which a supervising attorney need not be present. (Adopted May 6, 2010)

- 2012-1 If a Licensed Legal intern misses the application deadline to sit for the first available bar examination after graduation and has been denied an exception by the Board of Bar Examiners, then the Licensed Legal Intern may petition for reinstatement by showing good cause and filing an appropriate Law Graduation application with the Executive Director of the OBA. This reinstatement petition shall be heard by the Licensed Legal Intern Supreme Court Reviewing Panel and the decision of said Panel will be final. Notwithstanding any other language in this Revised Interpretation, said Licensed Legal Intern must meet all of the other requirements to take the first Oklahoma Bar Examination after graduation from law school in order to file a petition for cause under this interpretation. (*See* Rule 6.1f; *see also* Rule 2.2.) (Adopted by Committee July 10, 2012; approved by Board of Governors August 17, 2012; Revised December 15, 2015)
- 2015-1 Rule 2.2 allows law graduates to *apply* for a limited license before receiving the results of their character and fitness reports, but they cannot be approved for a limited license until the results of their character and fitness reports have been reviewed and approved. (Adopted by Committee December 15, 2015)

EXHIBIT "A"

IN THE _____ COURT OF _____,
STATE OF OKLAHOMA

_____,)
)
 PLAINTIFF.)
)
 VS.) Case No.)
)
_____,)
)
 DEFENDANT.)

AUTHORIZATION OF CLIENT TO REPRESENTATION BY LICENSED LEGAL INTERN

I, the undersigned client, state that:

- 1. I am represented by the undersigned attorney in the above captioned case.
- 2. My attorney has explained the Legal Internship Program to me and that I may be represented at times in this case by a Licensed Legal Intern who is working under the supervision of my attorney.
- 3. I understand that a Licensed Legal Intern is a law student and not a fully accredited lawyer.
- 4. I further understand that a Licensed Legal Intern has been granted a limited license to practice law in certain cases by the Supreme Court of Oklahoma.
- 5. Knowing the above information and after having the status of a Licensed Legal Intern fully explained to me by my attorney, I consent to being represented in this case by a Licensed Legal Intern.

CLIENT SIGNATURE

I, the undersigned attorney, have been approved by the Oklahoma Bar Association as a supervising attorney under the Legal Internship Rules, and have explained the above information to my client, believe my client understands the status of a Licensed Legal Intern, and agree to supervise my Licensed Legal Intern in this case.

SUPERVISING ATTORNEY SIGNATURE

OBA NO: _____

ADDRESS: _____

PHONE: _____

DATE: _____