

Licensed Legal Internship Committee Proposed Rule and Regulation Changes

By H. Terrell Monks, Chair

The Legal Internship Committee proposes the following rule changes for academic participants. Academic licenses allow practice in an Oklahoma law school clinic under the supervision of a faculty member licensed to practice law in Oklahoma, possibly with a special temporary permit. The proposed changes is intended to remove one of the barriers that may prevent some out-of-state law students from participation in law school clinics.

Under the proposed changes, academic applicants must provide a fingerprint-based background report from the Oklahoma State Bureau of Investigation but are no longer required to provide such a report from all prior states of residence. Some law students were prevented from participating in clinical programs due to the obstacles encountered in obtaining background reports from other states. (Changes Rule 2.1A(1), Regulation 7)

Other proposed changes are that academic applicants will be exempt from the testing requirement and may be sworn in by district judges. These changes are intended to streamline the licensing process and allow the academic applicants to use their license at the beginning of the term. (Changes Rule 2.1A(1), New Rule 2.1A (3) NOTE: This section has been renumbered. Rule 2.1A(3) regarding expiration of license has been changed to Rule 2.1(4).)

Rule 2.1A(1)

(f) ~~Successfully pass the examination required by Rule 5.2;~~

(g) Be registered with the Oklahoma Board of Bar Examiners or provide a criminal background report from the State of Oklahoma ~~and the student's prior state(s) of residence, if different;~~ and

Add Rule 2.1A(3)

(3) The Academic Intern may be sworn in by any member of the Oklahoma Judiciary, including a judge of the district court.

Regulation 7 modifications

- ~~(A) Under Rule 2.1A (1)(g) fingerprint-based and name-based criminal history, sex offender, and violent offender searches are required from the Oklahoma State Bureau of Investigation, ~~criminal investigative bureaus of each state in which the student has resided for a period of one month or longer. Information shall be provided for the last ten years or since age 18, whichever period of time is shorter.~~~~
- ~~(B) The student shall assume full responsibility for all the necessary procedures and fees associated with requesting complete criminal background reports. ~~from each applicable jurisdiction. Reports must be sent directly from the investigative bureaus to the Executive Director of the Oklahoma Bar Association for initial review. In the event that an out-of-state bureau cannot~~~~

~~submit its report directly to the Oklahoma Bar Association, the student shall contact the Legal Internship Program representative at his or her law school for further instruction.~~

On June 14, 2019, the Legal Intern Committee unanimously voted in favor of proposed amendments to Rule 2.1A(1) f, g; new rule 2.1A(3); and changes to Regulation 7 contingent on Oklahoma Supreme Court approval of proposed rule changes. On August 23, 2019, the OBA Board of Governors approved the proposed changes for submission to the Oklahoma Supreme Court after publication for comment.

You may email comments or questions to Legal Internship Committee Chair Terrell Monks at LLIComments@okbar.org. The deadline for submitting comments is October 28, 2019.