

3/14/11 11:22am

Chapter No. 345

11/HR12/R1253

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HOUSE BILL NO. 852

Originated in House Don Richardson Clerk

HOUSE BILL NO. 852

AN ACT TO AMEND SECTION 73-3-207, MISSISSIPPI CODE OF 1972, TO REVISE THE LAW STUDENT LIMITED PRACTICE ACT TO ALLOW A UNITED STATES DISTRICT JUDGE OR A UNITED STATES MAGISTRATE JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN OR NORTHERN DISTRICT OF MISSISSIPPI TO ISSUE AN ORDER TO ADMIT CERTAIN LAW STUDENTS TO LIMITED PRACTICE IN ANY STATE OR FEDERAL COURT IN THE STATE OF MISSISSIPPI; TO AMEND SECTIONS 73-3-209 AND 73-3-211, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 73-3-207. Mississippi Code of 1972, is amended as follows:

73-3-207. A law student enrolled in a legal internship program or a clinical legal education course is authorized to engage in limited practice in the state and federal courts of this state with the following conditions and limitations:

(a) The law student will petition the court and take the oath, as prescribed in this article, and be admitted to limited practice by an order of a judge of a circuit or chancery court, as prescribed in this article, in the district in which the student will practice, or by an order of a United States District Judge or United States Magistrate Judge of the United States District Court for the Southern District of Mississippi or the United States District Court for the Northern District of Mississippi.

(b) Upon filing the oath and order in the office of the clerk of that court, the law student will be authorized to engage in limited practice in any state or federal court in the state subject to any controls and limitations ordered by the judge of the court.

(c) The authority for limited practice by a law student will continue during any regular school terms in which the law student is enrolled in a legal internship or clinical legal education course, including the intersessions between terms. The authority may be revoked by the court granting it for good cause.

(d) A law student may not directly represent clients but may only assist the supervising attorney or clinical teacher in representing their clients. All pleadings and entries of record in courts must be signed by the supervising attorney or clinical teacher.

(e) Law students may appear and participate in trials and hearings in courts if the supervising attorney or clinical teacher is present and supervising the student.

(f) Law students assigned as interns to prosecuting attorneys may assist the supervising attorney before grand juries subject to the same prohibitions and penalties as to disclosure and secrecy as are members of the grand jury.

(g) Law students will be subject to the same standards and rules of professional conduct and ethics and the same rules of discipline as are licensed attorneys.

(h) Law students shall receive no compensation for their services but may be reimbursed actual expenses if funds are available for that purpose.

SECTION 2. Section 73-3-209, Mississippi Code of 1972, is amended as follows:

73-3-209. A law student who meets the qualifications set forth in this article may petition a circuit court, chancery court, the United States District Court for the Southern District of Mississippi or the United States District Court for the Northern District of Mississippi and present the oath in the following form:

"PETITION AND OATH FOR ADMISSION TO LIMITED PRACTICE

The undersigned, _____, does state and affirm that I am a law student who has the qualifications for admission to limited practice under the Law Student Limited Practice Act, Section 73-3-201 et seq., Mississippi Code of 1972, and seek the authority of this court to engage in limited practice under that act.

I do, upon my oath, solemnly swear (or affirm) that when granted that authority I will demean myself in accord with the conditions and limitations of the Law Student Limited Practice Act according to the best of my learning and ability and with all good fidelity as well to the court as to the client; that I will use no falsehood nor delay any person's cause for lucre or malice, and that I will support the Constitution of the United States and of the State of Mississippi so long as I continue a citizen thereof.

It is therefore prayed that this court order my admission to limited practice pursuant to said act."

The filing of the petition signed by the law student will constitute a sworn statement by the student under oath.

SECTION 3. Section 73-3-211, Mississippi Code of 1972, is amended as follows:

73-3-211. Upon finding that a law student meets the qualifications for limited practice under this article, a judge of the court may order the admission of the student to limited practice in the following form:

"ORDER

Be it known that _____, a law student, has petitioned this court for admission to the limited practice of law and presented the prescribed oath pursuant to the provisions of the Law Student Limited Practice Act, Section 73-3-201 et seq., Mississippi Code of 1972, and having found that said petitioner is a citizen of the United States who meets the requirements for such admission, the court therefore finds that petitioner is entitled to admission to the limited practice of law under said act.

It is therefore ordered and adjudged that _____ is admitted to the limited practice of law as a law student in all the state and federal courts of this state for the duration and upon the terms, conditions and limitations prescribed by said act.

Ordered and adjudged this _____ day of _____, 20____."

The petition and oath of the law student and the order of the court will be kept on file in the office of the clerk of the court.

SECTION 4. This act shall take effect and be in force from and after July 1, 2011.

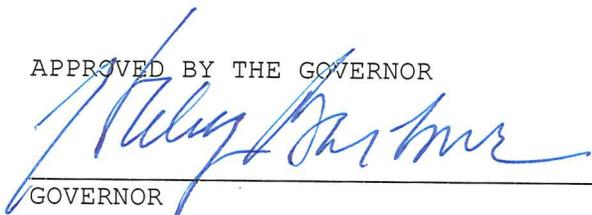
PASSED BY THE HOUSE OF REPRESENTATIVES
February 2, 2011


SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 2, 2011


PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR


GOVERNOR

