

**COMMISSION ON THE UNAUTHORIZED PRACTICE OF LAW
OF THE NEBRASKA SUPREME COURT**

Approved by the Commission April 18, 2019

APPROVED LAW STUDENT PRO BONO ACTIVITIES UNDER LAWYER SUPERVISION

Rule 3-506.1(a) of the Nebraska Rules of Professional Conduct encourages lawyers to provide pro bono legal services primarily to persons of limited means or to organizations that serve such persons. In addition, the American Bar Association's (ABA) Standards and Rules of Procedure for Approval of Law Schools direct all law schools to provide substantial opportunities for law student participation in pro bono legal services.

Nebraska's ABA-accredited law schools, Creighton University School of Law and the University of Nebraska College of Law, offer pro bono programs designed to match students with law-related pro bono opportunities in the community. Law student pro bono work is uncompensated, law-related public service that follows the priorities set by Neb. Ct. R. of Prof. Cond. § 3-506.1(a). Such pro bono opportunities serve to both enhance access to justice for people of limited means and to provide law students with supervised training in the practice of law during their formal legal education.

A law student is a "non-lawyer" who is not duly licensed or otherwise authorized to practice law in the State of Nebraska. A law student, like any other non-lawyer assistant, may act for a supervising lawyer in rendition of the lawyer's professional services in compliance with Neb. Ct. R. of Prof. Cond. § 3-505.3. A law student may perform certain legal work under the supervision of a lawyer admitted to practice in the State of Nebraska who assumes personal professional responsibility for the services performed by the law student. In the absence of such supervision by a licensed lawyer, a law student may not engage in any activity that constitutes the practice of law. A law student may not be held out to the public as someone capable of rendering independent legal advice or assistance. Provided these conditions are met, a law student, like any other non-lawyer assistant, may perform the following activities under lawyer supervision:

- (1) Prepare pleadings, briefs, written discovery requests and responses, court forms and other legal documents;
- (2) Hold consultations and information-gathering interviews with clients, prepare documents related to such consultations, and relay legal advice dispensed by the supervising lawyer;
- (3) Conduct intake applications or otherwise screen potential clients to determine eligibility for services and/or validity of legal issues;
- (4) Legal research, including preparation of written memorandum of conclusions;
- (5) Negotiation of legal rights or responsibilities on behalf of a client at the direction of the supervising lawyer; and,
- (6) Engage in any other activity that does not constitute the unauthorized practice of law.

The above guidance is not intended to limit, supplant, or affect in any way the scope of legal work that may be performed by senior certified law students pursuant to Neb. Ct. R. of Prof. Cond. § 3-701 et seq. While the impetus for this guidance is to encourage and promote pro bono work completed by law students, the guidance shall apply equally to both pro bono and compensated legal work performed by law students and other non-lawyer assistants under the supervision of a licensed lawyer.

If you have any questions or concerns about Nebraska law students providing pro bono legal services under the supervision of a lawyer admitted to practice in the State of Nebraska, contact the office of the Counsel for Discipline and the Unauthorized Practice of Law.