

Order

Michigan Supreme Court
Lansing, Michigan

December 18, 2025

Megan K. Cavanagh,
Chief Justice

ADM File No. 2022-49

Brian K. Zahra
Richard H. Bernstein
Elizabeth M. Welch
Kyra H. Bolden
Kimberly A. Thomas
Noah P. Hood,
Justices

Proposed Amendments of Rule
8.120 of the Michigan Court
Rules and Rule 5 of the Rules
for the Board of Law Examiners

On order of the Court, this is to advise that the Court is considering amendments of Rule 8.120 of the Michigan Court Rules and Rule 5 of the Rules for the Board of Law Examiners. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter will also be considered at a public hearing. The notices and agendas for each public hearing are posted on the [Public Administrative Hearings](#) page.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions to the text are indicated in underlining and
deleted text is shown by strikeover.]

Rule 8.120 Law Students, ~~and Recent~~ Law Graduates, and Individuals Already Barred;
Participation in Legal ~~Services~~ Aid Clinics, and Programs, Defender Offices, and Legal
Training Programs

- (A) Legal Aid Clinics; Defender Offices. Effective legal service for each person in Michigan, regardless of that person's ability to pay, is important to the directly affected person, to our court system, and to the whole citizenry. Law students and recent law graduates, under supervision by a member of the state bar, may staff the following:
- (a) public and nonprofit defender offices, ~~and~~
 - (b) legal aid clinics that are organized under a city or county bar association or an accredited law school or for the primary purpose of providing free legal services to indigent persons, and;
 - (c) organized legal services programs funded by the Michigan State Bar Foundation or Legal Services Corporation that provide legal assistance to

indigent persons in civil matters.

(B) [Unchanged.]

(C) Eligible Individuals~~Students~~.

(1) A student in a law school approved by the American Bar Association who has received a passing grade in law school courses and has completed the first year is eligible to participate in a clinic or program listed in subrules (A) and (B) if the student meets the academic and moral standards established by the dean of that school.

(2) ~~A~~For the purpose of this rule, a “recent law graduate” is a person who has graduated from an ABA-accredited law school within the last 15 months~~year~~.

(D) The student or recent law graduate must certify in writing that they have~~he or she has read and are~~ familiar with the Michigan Rules of Professional Conduct and the Michigan Court Rules, and shall take an oath which is reasonably equivalent to the Michigan Lawyer’s Oath in requiring at a minimum the promise to: (a) support the Constitution of the United States; (b) support the Constitution of the State of Michigan; (c) maintain the respect due to courts of justice and judicial officers; (d) never seek to mislead a judge or jury by any artifice or false statement of fact or law; (e) maintain the confidence and preserve inviolate the secrets of the client; (f) abstain from all offensive personality; (g) advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause; and (h) in all other respects conduct himself or herself personally and professionally in conformity with the high standards of conduct imposed upon members of the state bar of Michigan.

(~~E~~) Scope; Procedure; Duration; Revocation.

(1) A law student or recent law graduate~~member of the legal aid clinic~~, in representing an indigent person, is authorized to advise the person and to negotiate and appear on the person’s behalf in all Michigan courts~~except the Supreme Court~~. Except as otherwise provided in this rule, the indigent person that will be assisted by the student or graduate must consent in writing to the representation. In a situation in which a law student provides short-term, limited-scope legal advice by telephone in the context of a clinical program intended to assist indigent persons offered as part of a law school curriculum, the clinic patron shall be informed that:

(a) the advice provided may be rendered by a law student;⁵ and

(b) [Unchanged.]

- (2) Representation by a law student or recent law graduate must be conducted under the supervision of a state bar member. Supervision by a state bar member includes the duty to examine and sign all pleadings filed. It does not require the state bar member to be present:

(a) while a law student or recent law graduate is advising an indigent person or negotiating on the person's behalf; or

(b) during a courtroom appearance of a law student or recent law graduate, except

(i)-(ii) [Unchanged.]

The supervising attorney shall assume all personal professional responsibility for the student's or recent law graduate's work, and should consider purchasing professional liability insurance to cover the practice of such student or graduate.

- (3) A law student or recent law graduate may not appear in a case in a Michigan court without the approval of the judge or a majority of the panel of judges to which the case is assigned. If the judge or a majority of the panel grants approval, the judge or a majority of the panel may suspend the proceedings at any stage if the judge or a majority of the panel determines that the representation by the law student or graduate:

(a) is professionally inadequate; and

(b) [Unchanged.]

In the Court of Appeals or Supreme Court, a request for a law student or recent law graduate to appear at oral argument must be submitted by motion to the Court of Appeals panel that will hear the case or to the Supreme Court Clerk. The Court of Appeals panel or Supreme Court may deny the request or establish restrictions or other parameters for the representation on a case-by-case basis.

- (4) A law student or recent law graduate serving in a prosecutor's, county corporation counsel's, city attorney's, Attorney Grievance Commission's, or Attorney General's program may be authorized to perform comparable functions and duties assigned by the prosecuting attorney, county attorney,

city attorney, Attorney Grievance Commission attorney, or Attorney General, except that:

- (a) the law student or recent law graduate is subject to the conditions and restrictions of this rule; and
- (b) the law student or recent law graduate may not be appointed as an assistant prosecutor, assistant corporation counsel, assistant city attorney, assistant Attorney Grievance Commission attorney, or assistant Attorney General.

Board of Law Examiners Rule 5. Admission Without Examination.

(A) [Unchanged.]

(B) An applicant for admission without examination must

(1)-(4) [Unchanged.]

(5) have, after being licensed and for 3 of the 5 years preceding the application,

- (a) actively practiced law as a principal business or occupation in a jurisdiction where admitted (the practice of law ~~under a special certificate pursuant to Rule 5[F]~~ or as a special legal consultant pursuant to Rule 5[G] does not qualify as the practice of law required by this rule);

(b)-(c) [Unchanged.]

The Board may, for good cause, increase the 5-year period. Active duty in the United States armed forces not satisfying Rule 5(B)(5)(c) may be excluded when computing the 5-year period.

(6) [Unchanged.]

(C)-(E) [Unchanged.]

(F) An attorney

(1) [Unchanged.]

- (2) practicing law in an institutional setting, e.g., counsel to a corporation or instructor in a law school; or,
- (3) employed by a public or nonprofit defender office, legal aid clinic organized under a city or county bar association, legal aid clinic with a primary purpose of providing free legal services to indigent persons, legal services program funded by the Michigan State Bar Foundation or the Legal Services Corporation,

may apply to the Board for a special certificate of qualification to practice law. The applicant must satisfy Rule 5(B)(1)-(3), and comply with Rule 5(C). The Board may then issue the special certificate, which will entitle the attorney to continue current employment if the attorney becomes an active member of the State Bar. The special certificate permits attorneys teaching or supervising law students in a clinical program to represent the clients of that clinical program. If the attorney leaves the current employment, the special certificate automatically expires; if the attorney's new employment is also institutional, the attorney may reapply for another special certificate.

(G) [Unchanged.]

Staff Comment (ADM File No. 2022-49): The proposed amendment of MCR 8.120 would allow law students and recent law graduates to: (1) staff certain legal programs that provide assistance to indigent persons in civil matters under the supervision by a member of the state bar, and (2) appear on behalf of indigent persons in all Michigan courts. The proposal would also expand the definition of a “recent law graduate” from one year to 15 months. The proposed amendment of BLE Rule 5 would expand the qualifications for a special certificate of qualification to practice law.

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on the proposal may be submitted by April 1, 2026 by clicking on the “Comment on this Proposal” link under this proposal on the [Court's Proposed & Adopted Orders on Administrative Matters](#) page. You may also submit a comment in writing at P.O. Box 30052, Lansing, MI 48909 or via email at ADMcomment@courts.mi.gov. When

submitting a comment, please refer to ADM File No. 2022-49. Your comments and the comments of others will be posted under the chapter affected by this proposal.



I, Elizabeth Kingston-Miller, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 18, 2025

Elizabeth Kingston-Miller
Clerk