



BOARD OF PAROLE HEARINGS



**ADMINISTRATIVE DIRECTIVE NO: 2012-01
(REVISED NOVEMBER 23, 2015)**

**SUBJECT: CRITERIA FOR CERTIFIED LAW STUDENTS TO SERVE AS
COUNSEL AT PAROLE CONSIDERATION HEARINGS**

INTRODUCTION

Penal Code section 3041.7 establishes that all life inmates are entitled to representation by legal counsel at parole consideration hearings. In addition, a representative from a prosecuting agency may also attend parole consideration hearings. This Administrative Directive establishes criteria for certified law students to serve as counsel for the inmate or the prosecuting agency at parole consideration hearings.

LEGAL AUTHORITY


California Rules of Court, Rule 9.42 sets forth the following criteria for law students to represent clients, including life inmates at parole suitability hearings. A law student must possess "a currently effective certificate of registration as a certified law student from the State Bar." (Rule 9.42, subdivision (a)(1).) Furthermore, a certified law student may "appear on behalf of [a] client in any . . . hearing . . . before any . . . commissioner . . . provided that the certified law student: [o]btains the approval of the supervising attorney to engage in the activity; [p]erforms the activity under the direct and immediate supervision and in the personal presence of the supervising attorney . . . ; [o]btains a signed consent form from the client on whose behalf the certified law student acts; and [a]s a condition to such appearance . . . presents a copy of the consent form to the . . . commissioner." (Rule 9.42, subdivision (d)(3).)

DIRECTIVE

At the beginning of a parole consideration hearing, the presiding commissioner shall ensure that any law student serving as counsel for an inmate or a prosecuting agency possesses a currently effective certificate of registration as a certified law student from the State Bar. The presiding commissioner shall also obtain a copy of the signed

consent form allowing the law student to appear on behalf of the inmate or the prosecuting agency during the parole consideration hearing. Finally, the presiding commissioner shall ensure that a supervising attorney is personally present at all times during the hearing. The certified law student and supervising attorney shall state their appearance on the record as such and a copy of the signed consent form shall be included in the official record of the hearing.

This Administrative Directive shall take effect immediately. If you have any questions concerning the contents of this Administrative Directive please contact the BPH Legal Division at (916) 324-7604.

APPROVED BY: <u></u> JENNIFER P. SHAFFER Executive Officer, BPH	DATE: <u>12/23/15</u>
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