

**Practice Pending Admission During the Admissions Process
Best Practices Guide
Prepared by the Ohio Metropolitan Bar Association Consortium (OMBAC)**

These best practices are intended to give guidance to applicants and supervising attorneys who will be working together consistent with the Supreme Court's order of May 13, 2020 which expanded the Practice Pending Admission During the Admission to the Practice of Law Process (PPA) to recent law school graduates. This guide is intended to be a supplement to the FAQs published by the Supreme Court of Ohio and is advisory only. It is not the intention of the OMBAC to regulate or create additional bases for discipline. Applicants and supervising attorneys must also read and be familiar with the Ohio Rules of Professional Conduct.

APPLICANTS SHOULD:

- Have written fee agreements for every legal matter even if the Rules of Professional Conduct do not require a written agreement. A written fee agreement setting forth the terms and scope of the representation will help to avoid misunderstandings about the services the applicant will provide and the client's obligation with respect to payment of fees.
- Have professional liability insurance. If an applicant does not maintain insurance, the applicant must comply with Prof. Cond. Rule 1.4(c).
- Have co-counsel on every legal matter if practicing alone. Working with co-counsel will ensure clients are protected if the applicant does not pass the bar exam.
- Consider whether the presence of the supervising attorney would be helpful at court appearances even if the supervising attorney is not required to appear in court with the applicant.
- Seek guidance from the supervising attorney or a local bar association if they have questions about their ethical obligations to clients or courts.

APPLICANTS MUST:

Notify clients about the role and identity of the supervising attorney and obtain written authorization from all clients to discuss their legal matters with the supervising attorney.

SUPERVISING ATTORNEYS SHOULD:

- Assess whether the applicant is working on matters appropriate to their level of competence and provide support accordingly.
- Respond to any questions or concerns from the applicant within 24 hours. Although the relationship between the applicant and the supervising attorney is not intended to be a "supervisory" relationship the supervising attorney should be available to the applicant to respond to questions within a reasonable amount of time.

SUPERVISING ATTORNEYS MUST:

- Confirm the applicant has obtained written authorization from a client and clear conflicts before discussing the client's matter with the applicant.
- Maintain confidentiality with respect to all matters discussed with the applicant.