FILED

OCT 24 1997

CLERK
U. S. DISTRICT COURT
MIDDLE DIST. OF ALA.
MONTGOMERY, ALA.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

IN RE: SUPERVISED REPRESENTATION)
OF PARTIES BY LAW STUDENTS) GENERAL ORDER NO. 2055

The court continues to experience an increase in the number of cases filed in which one or more parties is not represented by counsel. In view of the decline of the apprenticeship systems of legal education, many lawyers graduate from law schools and secure admission to the state bar without practical or clinical experience. The court concludes that it will advance this court's goals of providing counsel for indigent clients and ultimately improving courtroom advocacy to establish a procedure which provides for and governs the appearance by eligible law students on behalf of parties. Accordingly, it is

ORDERED as follows:

1. An eligible law student acting under a supervising attorney may enter an appearance in this court on behalf of any party, including the United States or a governmental agency, provided the party on whose behalf the student appears has consented thereto in writing. If the law student is an intern for, or is otherwise employed by, the United States Attorney or the Federal Public Defender, it shall be sufficient to file the written consent and approval with the Clerk of the court and with each active District Judge and Magistrate Judge once for the term of the student's participation.

2. The supervising attorney shall be a member of the bar of this court and, with respect to the law student's proposed appearance before this court, shall:

(i) file with the Clerk of this court the attorney's written consent to supervise the student in each case in which the student appears;

(ii) assume personal professional responsibility for the student's work, including malpractice protection for the benefit of the represented clients;

(iii) assist the student to the extent necessary;

(iv) appear with the student in all proceedings before the court and be prepared to supplement any written or oral statement made by the student to this court or opposing counsel.

3. In order to be eligible to appear, the student shall:

(i) be enrolled in a law school accredited by the American Bar Association.

(ii) have completed legal studies amounting to at least four semesters, or the equivalent if the school is on some basis other than a semester basis;

(iii) be certified, by either the dean or a faculty member of the student's law school designated by the dean, as being of good character and competent legal ability, and as being adequately trained to perform as an eligible law student under this rule. The certification of a student by the dean shall remain in effect for 18 months, or until the announcement of the results of the student's first bar examination following the student's graduation, whichever is earlier. For any student who passes that examination, or who is admitted to the bar without taking an examination, the certification shall continue in effect until the date the student is admitted to the bar;

(iv) be introduced to this court by an attorney admitted to practice before this court;

(v) neither ask for nor receive any compensation, fees, or remuneration of any kind for the student's services from the party on whose behalf the student renders services, or from any other party, but this rule shall not prevent an attorney, legal aid bureau, law school, public defender agency, or the United States from paying compensation to the eligible law student, nor shall it prevent any attorney, law firm, or agency from making such charges for its services as may

otherwise be proper; and

(vi) certify in writing that the student has read and is familiar with the Code of Professional Responsibility of the American Bar Association, the Federal Rules of Civil Procedure, the Local Rules of this court; and any other federal rules relevant to the case in which the student is appearing.

4. Upon filing with the Clerk of this court the written consents and certifications required by this rule, an eligible law student supervised in accordance with this rule may, with respect to any new case or other proceeding for which the student is certified under this rule::

(i) engage in the drafting or preparation of complaints, motions, briefs, appendices, or other pleadings and documents, and may appear in proceedings on such pleadings, provided the supervising attorney also signs and appears on the pleadings;

(ii) appear before this court and participate in conferences, oral argument, mediation, or the examination and cross-examination of witnesses, provided the supervising attorney is present in court;

(iii) take part in other activities in connection with the case, subject to the direction of the supervising attorney.

5. Notwithstanding the filing of written consent by the client and certification of the law student, this court may at any time without notice, hearing, or any showing of cause, terminate such certification or refuse to allow the student to participate in a particular case. The dean or a faculty member of the student's law school designated by the dean may also withdraw certification by mailing a notice of withdrawal to the Clerk of this court. The loss of certification by action of this court shall not be considered a reflection on the character or ability of the student. The dean or a faculty member of the student's law school designated by the dean may recertify such a student for

appearances before this court.

6. The effective date of this Order is November 1, 1997.

DONE this 24th day of October, 1997.

CHIEF UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

UNITED STATES ATTORNEY'S DESIGNATION OF LAW STUDENT FOR REPRESENTATION OF GOVERNMENT

For the period _____, I hereby authorize _____, a law student, to appear in court or at other proceedings on my behalf, and to prepare documents on my behalf.

_____ DATE

_____ SIGNATURE

CERTIFICATION BY LAW STUDENT'S SUPERVISING ATTORNEY

I will carefully supervise all of this student's work. I authorize this student to appear in court or at other proceedings, and to prepare documents. I will accompany the student at such appearances, sign all documents prepared by the student, assume personal responsibility for the student's work, and be prepared to supplement, if necessary, any statements made by the student to the court or to opposing counsel.

_____ DATE

_____ ASST. UNITED STATES ATTORNEY

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

NOTICE OF APPEARANCE PURSUANT TO STUDENT PRACTICE RULE

_____	_____
Student	Supervising Attorney
_____	_____
Address	Address
_____	_____
Telephone/Fax	Telephone/Fax

LAW STUDENT'S CERTIFICATION

I certify that I have completed at least four (4) semesters of law school; that I am familiar and will comply with the Code of Professional Responsibility of the American Bar Association, the Federal Rules of Civil Procedure, the Rules of this court, and any other federal rules relevant to the case in which I am appearing; and that I am receiving no compensation from the party on whose behalf I am rendering services.

_____	_____
DATE	SIGNATURE

LAW SCHOOL DEAN'S CERTIFICATION

I certify that this student has completed at least four (4) semesters of law school work, and is, to the best of my knowledge, of good character and competent legal ability, and adequately trained to perform as an eligible law student under General Order No. ____ of the District Court for the Middle District of Alabama.

_____	_____
DATE	SIGNATURE
_____	_____
LAW SCHOOL	POSITION OF ABOVE

CERTIFICATION BY LAW STUDENT'S SUPERVISING ATTORNEY

I will carefully supervise all of this student's work. I authorize this student to appear in court or at other proceedings, and to prepare documents for the period _____. I will accompany the student at such appearances, sign all documents prepared by the student, assume personal responsibility for the student's work, and be prepared to supplement, if necessary, any statements made by the student to the court or to opposing counsel.

_____	_____
DATE	SUPERVISING ATTORNEY