

## Pennsylvania U.S. District Court - E. Dist. Pa. SUMMARY

### **Rule**

Rule 83.5.1, Local Rules, U.S. District Court for the Eastern District of Pennsylvania

### **Eligible students:**

Student must have completed at least 3 semesters of law school, be enrolled in a clinical course, certified by Dean and the Court, paid no compensation by client.

### **Eligible law offices; required supervision:**

Student must be enrolled in a Law School clinical program for credit, on campus or external, which is certified by the court, does not charge clients, and maintains malpractice insurance. Supervisors are “faculty or adjunct faculty...including federal government attorneys or private practitioners.” Supervisors must be personally present with the student at all proceedings, co-sign pleadings, be prepared “to supplement oral and written work of the student”.

### **Permitted scope of practice:**

Student may represent any client, including governmental bodies, in any way permitted to a lawyer, with the written consent of the client and the supervising lawyer, except as limited by a judge.

### **Approval process:**

A law school clinical program petitions once for approval of its program by the Chief Judge of the District Court. The resulting order should be referenced by docket number in subsequent petitions to approve students.

The approved program submits a petition requesting approval of specific students and supervisors, along with a supporting Dean’s certificate, and proposed form of Order to be signed by the Chief Judge, to the Court. All petitions are sent to the Clerk:

Attn: Ms. Mary Chase  
Clerk’s Office, United States District Court  
Eastern District of Pennsylvania  
601 Market Street, Room 2609  
Philadelphia, Pa. 19196

A student or attorney supervisor may contact Prof. Katz for examples of these petitions.

**For further information**, contact Ms. Mary Chase, 215-597-7704

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U.S.Dist.Ct.Rules E.D.Pa., Civil Rule 83.5.1, as amended through June 1, 2001

**A. Purpose.** The following Student Practice Rule is designed to encourage law schools to provide clinical instruction in litigation of varying kinds, and thereby enhance the competence of lawyers in practice before the United States Courts.

**B. Student Requirements.** An eligible student must:

1. be duly enrolled in a law school;
2. have completed at least three (3) semesters of legal studies, or the equivalent;
3. be enrolled for credit in a law school clinical program which has been certified by this Court;
4. be certified by the Dean of the law school, or the Dean's designee, as being of good character and sufficient legal ability, in accordance with subparagraphs 1-3, above, to fulfill the student's responsibilities as a legal intern to both the student's client and this Court;
5. be certified by this Court to practice pursuant to this Rule;
6. not accept personal compensation for legal services the student performs from a client or other source.

**C. Program Requirements.** The program:

1. must be a law school clinical practice program for credit, in which a law student obtains academic and practice advocacy training, utilizing law school faculty or adjunct faculty for practice supervision, including federal government attorneys or private practitioners;
2. must be certified by this Court;
3. must be conducted in such a manner as not to conflict with normal Court schedules;
4. may accept compensation other than from a client;
5. must maintain malpractice insurance for its activities.

**D. Supervisor Requirements.** A supervisor must:

1. have faculty or adjunct faculty status at the responsible law school and be certified by the Dean of the law school as being of good character and sufficient legal ability and as being adequately trained to fulfill a supervisor's responsibilities;
2. be admitted to practice in this Court;
3. be present with the student at all times in Court, and at other proceedings, including depositions, in which testimony is taken;
4. co-sign all pleadings or other documents filed with the Court;
5. assume full personal professional responsibility for the student's guidance in any work undertaken and for the quality of a student's work, and be available for consultation with represented clients;

6. assist and counsel the student in activities mentioned in this rule, and review such activities with the student, to the extent required for the proper practical training of the student and the protection of the client;

7. be responsible to supplement oral or written work of the student as necessary to ensure proper representation of the client.

**E. Certification of Student, Program and Supervisor.**

1. Students:

a. Certification by the law school Dean and approval by this Court shall be filed with the Clerk of Court, and unless it is sooner withdrawn, shall remain in effect until expiration of 18 months;

b. Certification of a program [*sic*. Previous version said “Certification to appear in a particular case”] may be withdrawn by this Court at any time, in the discretion of the Court, and without any showing of cause.

2. Program:

a. Certification of a program by this Court shall be filed with the Clerk of Court and shall remain in effect indefinitely unless withdrawn by the Court;

b. Certification of a program may be withdrawn by this Court at any time.

3. Supervisor:

a. Certification of a supervisor must be filed with the Clerk of Court, and shall remain in effect indefinitely unless withdrawn by this Court;

b. Certification of a supervisor may be withdrawn by this Court at any time;

c. Certification of a supervisor may be withdrawn by the Dean by mailing the notice to that effect to the Clerk of Court.

**F. Activities.** A certified student, under the personal supervision of the student's supervisor, as set forth in Part D of this Rule, may:

1. represent any client, including federal, state or local government bodies, in any civil or administrative matter, if the client on whose behalf the student is appearing has indicated consent in writing to that appearance and the supervising lawyer has also indicated in writing the supervisor's approval of that appearance;

2. engage in all activities on behalf of the student's client that a licensed attorney may engage in.

**G. Limitation of Activities.** The Court retains the power to limit a student's participation in any

particular case to such activities as the Court deems consistent with the appropriate administration of justice.