

Pennsylvania State Courts SUMMARY

Rule

Rules 321 and 322, Pennsylvania Rules of Court

Eligible students:

At least 3 semesters at an accredited law school. Students at a law school outside Pennsylvania are subject to a reciprocity rule; they are eligible if their state permits student practice by students from Pennsylvania. Certification by the Dean of the student's law school. Student may be compensated by the law office, but not by the client.

Eligible law offices; required supervision:

Supervising attorney must be approved by the Dean of the student's school. Supervisor must be personally present for criminal defendant where client has right to counsel.

Permitted scope of practice:

Any civil or criminal matter at trial level, with consent of client and of supervising attorney. Preparation of papers for trial or appellate courts, assistance to inmates with approval of attorney of record.

Approval process:

IF YOU ARE A STUDENT seeking to go to state court under the Pennsylvania SPR, note that you must apply for certification. Students seeking certification should download the form from the Pa. Bar Examiners site, get appropriate signatures from the law school and submit as required, allowing at least 4 weeks for processing. The application form is at this internet location:

http://www.pabarexam.org/Application_Information/Applications/321-322_Application.htm

(From pabarexam.org look for bar admission and Rule 321.)

Unless otherwise directed on the form, send the completed form to:

Supreme Court of Pennsylvania
801 City-County Building
Pittsburgh, PA 15219

If the student is enrolled in a law school clinical program, on-campus or externship, the faculty supervisor may also be identified on this form.

When a student represents the Commonwealth, written approval by the supervisor and a representative of the agency, is filed in each case.

IF YOU ARE A PLACEMENT seeking to supervise students appearing in court, note that the student must file the proper forms to be certified. When you hire a student or confirm that a student will be interning for you, advise the student as to the necessary procedure allowing several weeks for return of the certification.

Pennsylvania Rules of Court

Rule 321. Requirements for formal participation in legal matters by law students

(a) General Rule. The requirements for eligibility for formal participation in legal matters by a law student pursuant to Rule 322 (relating to authorized activities of certified legal interns) are:

(1) Enrollment in an accredited law school; unless the law school is located in a jurisdiction that has a program permitting law students to participate in legal matters which does not afford students attending law school in Pennsylvania the same privilege or opportunity to formally participate in legal matters as a law student in the jurisdiction as is granted to students attending law school in the jurisdiction.

(2) Completion of legal studies amounting to at least three semesters, or the equivalent if the law school is on a basis other than the semester basis.

(3) Existence and maintenance of certification as prescribed in Subdivision (b) of this rule.

(4) Introduction to the judge or district justice before whom the law student is appearing by a member of the bar of this Commonwealth.

(5) Absence of a request for or receipt by the law student of compensation or remuneration of any kind for his or her services from the person on whose behalf the law student renders services. This paragraph shall not prevent:

(i) An attorney or a law school, legal services program, defender association, or government unit from paying compensation to the law student.

(ii) Any person other than the law student from making such charges for services as such person may otherwise properly require.

(b) Certification. Only those law students shall be eligible for the benefits of Rule 322 who have been certified by the dean of their law school as being of good character and competent legal ability, and as being adequately trained to perform as a legal intern. The certification shall be made by filing one copy thereof with the Prothonotary. The certification:

(1) Shall be in writing on a form prescribed by the Board and shall remain in effect until the expiration of 18 months after it is filed, or until the announcement of the results of the first bar examination following the completion of the study of law by the student, whichever is earlier. In the case of a student who passes that examination, or who is not required to take an examination, the certification shall continue in effect until the student is admitted to the bar.

(2) May be withdrawn at any time by the dean by filing a notice to that effect with the Prothonotary. It is not necessary that the notice state the cause for withdrawal.

(3) May be terminated by the Court at any time without notice or hearing and without any showing of cause.

Rule 322. Authorized activities of certified legal interns

(a) General Rule. Subject to the restrictions of this subdivision, a certified legal intern may with the approval of a supervising attorney:

(1) Appear before any government unit (other than the Supreme, Superior or Commonwealth Courts) in any civil or criminal matter on behalf of any indigent, if the person on whose behalf the legal intern is appearing consents to such appearance. The supervising attorney must be personally present throughout the proceedings where the legal intern is appearing on behalf of the defendant in a criminal matter where the defendant has the right to counsel under any provision of law.

(2) Appear in any civil or criminal matter on behalf of the Commonwealth, if the Attorney General (or the prosecuting attorney in the case of a criminal matter) or his or her authorized representative consents to such appearance. The approval of the supervising attorney and the consent of the party represented required by this subdivision shall be in writing and filed of record in the matter and shall be brought to the attention of the judge or district justice or the presiding officer of the other government unit.

(b) Preparation of Papers. A certified legal intern may engage in other activities, under the general supervision of a member of the bar of this Commonwealth, but outside the personal presence of the attorney, including:

(1) Preparation of pleadings and other documents to be filed in any matter in which the legal intern is eligible to appear or in the Supreme, Superior or Commonwealth Courts.

(2) Except when the assignment of counsel is required under any provision of law, assistance to indigent inmates of correctional institutions or other persons who request such assistance in preparing applications for and supporting documents for post-conviction relief. If there is an attorney of record in the matter, all such assistance shall be supervised by the attorney of record. Each pleading or other document shall contain the name of the legal intern who has participated in drafting it. If the legal intern participated in drafting only a portion of it, that fact may be stated. All pleadings or other documents shall be signed by the supervising attorney.

(c) Supervising Attorney. The attorney under whose supervision a certified legal intern performs any of the services permitted by this rule shall:

(1) Be approved in writing as a supervising attorney for the purposes of this rule by the dean of the law school in which the legal intern is or was enrolled.

(2) Assume personal professional responsibility for the guidance of the legal intern in any work undertaken and for supervising the quality of the work of the legal intern.

(3) Assist the legal intern in his or her preparation to the extent the supervising attorney considers necessary.