



*Externship Student Attorney
Certification Information*

Student Practice Rule (Only relevant to placements requiring certification)

RULE 90. LEGAL ASSISTANCE BY LAW STUDENTS

Permitted Activities. An eligible student may appear in court, in any civil action, or before any administrative tribunal in this State, on behalf of any indigent person receiving legal services through an organization providing legal services to the indigent, which organization has been approved by the Supreme Judicial Court, if the person on whose behalf the student is appearing has indicated in writing consent to that appearance and the supervising lawyer has also indicated in writing approval of that appearance. An eligible student may appear in court in any civil action or before any administrative tribunal in this State on behalf of the State or an agency thereof with the written approval of the lawyer who is supervising the student in that appearance.

The written consent and approval referred to above shall be filed in the record of the case and shall be brought to the attention of the judge or justice of the court or the presiding officer of the administrative tribunal.

(b) Requirements and Limitations. In order to be an eligible law student under this rule, the student must:

- (1) Be duly enrolled in a law school approved by the American Bar Association.
- (2) Have completed legal studies amounting to at least four (4) semesters.
- (3) Be certified by the dean of the student's law school as being of good character and competent legal ability, as being adequately trained to perform as a legal intern and as having met the other requirements of this subdivision (b).
- (4) Neither ask for nor receive any compensation or remuneration of any kind for services from the person on whose behalf such services are rendered, but this shall not prevent a legal aid bureau, law school, or the State from paying compensation to the eligible law student, nor shall it prevent any agency from making such charges for its services as it may otherwise properly require.
- (5) Certify in writing that the student has read and is familiar with the Maine Bar Rules, the Maine Rules of Civil Procedure, the Maine Rules of Criminal Procedure, the Maine Rules of Appellate Procedure, and the Maine Rules of Evidence.

(c) Approved Organization. Upon application of any organization located in this State providing free legal services to indigents in this State for permission to allow eligible law students to practice under its supervision pursuant to this rule, the Supreme Judicial Court may grant permission by filing an order authorizing such practice with the Clerk of the Law Court.

(d) Certification. Certification of a student by the law school dean:

- (1) Shall be filed with the Clerk of the Law Court.
- (2) May be withdrawn by the dean at any time by mailing a notice to that effect to the Clerk of the Law Court. It is not necessary that the notice state the cause for withdrawal.
- (3) May be terminated by the Supreme Judicial Court without notice or hearing and without any showing of cause. Notice of such termination shall be filed with the Clerk of the Law Court.

The dean may refuse certification of a law student to practice in a position which the dean considers of insufficient educational benefit to the student.

(e) Other Activities. Subject to the limitation of subdivisions (b) and (c) of this rule.

(1) An eligible law student may also engage in other activities authorized by law, under the general supervision of a member of the bar of this State, but outside the personal presence of that lawyer, including:

(i) Preparation of pleadings and other documents to be filed in any matter in which the student is eligible to appear, but such pleadings or documents must be signed by the supervising lawyer.

(ii) Preparation of briefs and other documents to be filed in the Law Court in any matter in which the student is eligible to appear, but such documents must be signed by the supervising lawyer.

Each pleading, document or brief must contain the name of the eligible law student who has participated in drafting it. If the student has participated in drafting only a portion of it, that fact may be mentioned.

(2) An eligible law student may participate in oral argument in the Law Court in any matter in which the student is eligible to appear, but only in the presence of the supervising lawyer.

(f) Supervision. The member of the bar under whose supervision an eligible law student does any of the things permitted by this rule shall:

(1) Assume personal professional responsibility for the student's guidance in any work undertaken and for supervising the quality of the student's work.

(2) Assist the student in preparation to the extent the supervising lawyer considers it necessary.

(g) Miscellaneous. Nothing contained in this rule shall affect the right of any person who is not admitted to practice law to do anything that the person might lawfully do prior to the adoption of this rule.



To: Clerk of the Maine Supreme Judicial Court

I certify that I have read and am familiar with the Maine Rules of Professional Conduct, the Maine Rules of Civil Procedure, the Maine Rules of Criminal Procedure, the Maine Rules of Appellate Procedure, and the Maine Rules of Evidence.

Dated: _____

Signature

Printed Name

Program/Placement/Employer

Semester

Local District Court Rule:

Rule 83.4
(As Amended June 20, 2007)

LEGAL ASSISTANCE BY CERTIFIED LAW STUDENTS

(a) In General

A law student certified pursuant to subsection (b) may with the permission of the Court and subject to the requirements of subsection (c) engage in the activities specified in subsections (d), (e) and (f).

(b) Certification

The Dean of any ABA accredited school of law may certify a law student who meets the following requirements:

- 1) Has completed legal studies amounting to at least 4 semesters;
- 2) Is of good character and competent legal ability and is adequately trained to perform as a Legal intern;
- 3) Promises to neither ask for nor receive any compensation or remuneration of any kind for his/her services from the person on whose behalf service is rendered, but this shall not prevent a legal aid bureau, law school or government from paying compensation to the eligible law student, nor shall it prevent any agency from making such charges for its services as it may otherwise properly require; and
- 4) Certifies in writing that the law student has read and is familiar with the Maine Code of Professional Responsibility (Maine Bar Rule 3). The Federal Rules of Civil Procedure the Federal Rules of Criminal Procedure, the Federal Rules of Evidence and the Rules of this Court.

The certification:

- 1) Shall be filed with the Clerk of this Court;
- 2) May be withdrawn by the Dean at any time by mailing notice to that effect to the Clerk of Court. It is not necessary that the notice state the cause for withdrawal; and
- 3) May be terminated by the Court without notice of hearing and without any showing of cause. Notice of such termination shall be filed with the Clerk of Court.

(c) Supervision

A member of the Bar of this Court shall appear in court with any certified law student who appears in court pursuant to subsections (d) or (e) of this Rule. The member of the Bar shall file in the record of the case a written approval of the certified law student's appearance.

A member of the Bar of this Court shall supervise a certified law student in connection with any activities permitted by this Rule and shall:

- 1) Assume personal professional responsibility for the student's guidance in any work undertaken and shall supervise the quality of the student's work; and
- 2) Assist the student in preparation to the extent necessary.

(d) Court Appearance on Behalf of Indigent Person

A certified law student may appear in court in any civil or criminal proceeding on behalf of an indigent person receiving legal assistance from a law school clinical practice program, if the person on whose behalf the student is appearing consents in writing to that appearance. The written consent shall be filed in the record of the case.

(e) Court Appearance on Behalf of Local, State, or Federal Government

A certified law student may appear in court in any criminal or civil proceeding on behalf of any local, state or federal governmental agency with the written approval for the supervising government lawyer. The written approval shall be filed in the record of the case.

(f) Other Activities

A certified law student may prepare pleadings, briefs, and other documents to be filed in the court in any matter in which the student is eligible to appear pursuant to subsections (d) or (e). The document must be signed by the supervising lawyer.

Each pleading, brief, or other document must contain the name of the certified law student who participated in drafting it. If the student has participated in drafting only a portion of it, that fact may be mentioned.

(g) Limitation

Nothing contained in this rule shall affect the right of any person who is not admitted to practice law to do anything that might otherwise lawfully be done.



To: Clerk of the United States District Court for the District of Maine

I certify that I have read and am familiar with the Maine Rules of Professional Conduct; the Federal Rules of Criminal Procedure; the Federal Rules of Civil Procedure; the Federal Rules of Evidence; and the Local Rules for the United States District Court for the District of Maine.

I promise to neither ask for nor receive any compensation or remuneration of any kind for my services from the person on whose behalf service is rendered.

Dated: _____

Signature

Printed Name

Program/Placement/Employer

Semester
