

JUL 23 2013

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEEAFTER HOURS DEPOSITORY
Thomas M. Gould, Clerk
U. S. District Court
W. D. OF TN, MemphisIN RE MATTER OF
STUDENT PRACTICE) Administrative Order: 2013-14
)

GENERAL ORDER ADOPTING STUDENT PRACTICE RULE

The Court, believing that it will advance the goals of providing counsel for indigent clients and encouraging law schools to provide clinical instruction for the purpose of enhancing the competence of lawyers in practice before the United States Courts, wishes to establish a procedure which provides for and governs the appearance by eligible law students on behalf of parties. Pursuant to the approval of the Judges of this Court, it is therefore ORDERED that the following Student Practice Rule for the Western District of Tennessee is adopted and will become effective immediately.

A. Student Requirements**a. An eligible student must:**

- i. be duly enrolled in good standing in a law school;
- ii. have completed at least four semesters of legal studies or the equivalent;
- iii. certify in writing that he/she has knowledge of the Federal Rules of Civil Procedure; the Federal Rules of Criminal Procedure; the Federal Rules of Evidence; the Model Rules of Professional Conduct of the American Bar Association; the Tennessee Code of Professional Conduct; this Court's Local Rules of Practice; and this Court's Website (www.tnwd.uscourts.gov); or, if he/she is to practice before the U.S. Bankruptcy Court for the Western District of Tennessee, that he/she has knowledge of the United States Bankruptcy Code; the Federal Rules of Civil Procedure; the Federal Rules of Bankruptcy Procedure; the Federal Rules of Evidence; the Model Rules of Professional Conduct of the American Bar Association; the Tennessee Code of Professional Conduct; this Court's Local Bankruptcy Rules; the United States Bankruptcy Court Administrative Procedures Manual – Exhibit to Standing Order, Miscell. No. 03-0006, Amended Guidelines for Electronic Filing; and the website for the U.S. Bankruptcy Court for the Western District of Tennessee (www.tnwb.uscourts.gov).

- iv. be enrolled for credit in a law school clinical or externship program;
- v. be certified by the Dean of the law school, or the Dean's designee, as being of good character and sufficient legal ability, and as being adequately trained, in accordance with paragraphs (i)-(iv) above, to fulfill his or her other responsibilities as a legal intern to both his or her client and the Court;
- vi. be certified by the Court to practice pursuant to this Rule;
- vii. neither ask for nor receive any compensation or remuneration of any kind for his or her services from the party on whose behalf he or she renders services (but this shall not prevent any agency from making such charges for its services as it may otherwise properly require).

B. Program Requirements

- a. The program:
 - i. must be a law school clinical practice or externship program for credit, in which a law student obtains academic and practice advocacy training, under supervision of law school faculty or adjunct faculty, a licensed legal aid attorney, a United States Attorney or designated Assistant United States Attorney, or a Federal Public Defender or designated Assistant Federal Public Defender working in conjunction with the law school clinical practice or externship program;
 - ii. must be conducted in such a manner as not to conflict with normal Court schedules;
 - iii. must be under the direction of a member or members of the regular faculty of the law school;
 - iv. must arrange for the designation and maintenance of an office to which may be sent all notices that the Court may from time to time have occasion or need to send in connection with this rule or any legal representation provided pursuant to this Rule.

C. Supervisor Requirements

- a. A supervising attorney must:
 - i. have faculty or adjunct faculty status at the responsible law school,

or otherwise be a licensed legal aid attorney, a United States Attorney or designated Assistant United States Attorney, or a Federal Public Defender or designated Assistant Federal Public Defender working in conjunction with the law school clinical practice or externship program;

- ii. must be certified by the Dean of the responsible law school, or the Dean's designee, as being of good character and sufficient legal ability and as being adequately trained to fulfill a supervisor's responsibilities;
- iii. be admitted to practice in this Court;
- iv. be certified by the Court as a student supervisor;
- v. be present with the student at all times in court, and at other proceedings, including depositions, in which testimony is taken;
- vi. co-sign all pleadings or other documents filed with this Court;
- vii. possess a valid log-in and password to the CM/ECF database issued by this Court and have participated in a CM/ECF training course;
- viii. assume full personal and 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;
- ix. 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, for the protection of the client, and for any other reasons the supervising attorney considers it necessary;
- x. be responsible to supplement the oral or written work of the student as necessary to ensure proper representation of the client; and
- xi. maintain malpractice insurance or be an employee of the federal government acting in the scope of his or her employment such that the exclusive remedy for the attorney's alleged malpractice will be an action against the United States under the Federal Tort Claims Act. *See Sullivan v. United States*, 21 F.3d 198, 206 (7th Cir. 1994).

- b. Prior to commencement of work by a student attorney pursuant to this General Order, the supervising attorney shall file a Notice of Appearance Pursuant to Student Practice Order and present the student attorney to the Court. Upon approval of the Notice of Appearance Pursuant to Student Practice Order, the Court shall administer a student practice oath to the student attorney.
- c. Prior to oral participation by a certified student in a hearing or trial, the supervising attorney shall advise the Court of the scope of participation anticipated on the part of the certified student.

D. Certification of Students and Supervising Attorneys

a. Students

- i. Certification by the law school Dean, or the Dean's designee, if said certification is approved by the Court, shall be filed with the Clerk of the Court, and unless it is sooner withdrawn, shall remain in effect until the expiration of eighteen (18) months.
- ii. Certification to appear in a particular case may be withdrawn by the Court at any time, in the discretion of the Court, and without any showing of cause. Notice of termination may be filed with the Clerk of the Court.

b. Supervising Attorney

- i. Certification of a supervising attorney by the law school Dean, or the Dean's designee, if said certification is approved by the Court, shall be filed with the Clerk of the Court, and shall remain in effect indefinitely unless withdrawn by the Dean, or the Dean's designee, or by the Court;
- ii. Certification of a supervising attorney may be withdrawn by the Court at the end of any academic year without cause, or at any time upon notice and a showing of cause;
- iii. Certification of a supervising attorney may be withdrawn by the Dean, or the Dean's designee, at any time by mailing of notice to that effect to the Clerk of this Court;
- iv. Any Judge of this Court or the Bankruptcy Court retains the authority to withdraw or limit a supervising attorney's participation in any individual case before the Judge.

E. Certification of Program

- a. Certification of a program by the court shall be filed with the Clerk and shall remain in effect indefinitely unless withdrawn by the Court;
- b. Certification of a program may be withdrawn by the Court at the end of any academic year without cause, or at any time, provided notice stating the cause for such withdrawal is furnished to the law school Dean and supervisor.

F. Activities

- a. Pursuant to the eligibility requirements set forth in subsection (A) above, an eligible law student may appear in this Court or the Bankruptcy Court on behalf of any indigent person if the person on whose behalf he or she is appearing has indicated in writing his or her consent to that appearance and the supervising attorney has also indicated in writing approval of that appearance.
- b. An eligible law student may also appear in this Court in any criminal matter on behalf of the government with the written approval of the prosecuting attorney or his or her authorized representative and of the supervising attorney.
- c. An eligible law student may also appear in this Court in any civil matter on behalf of the local, state, or federal government, with the written approval of the attorney representing that entity.
- d. In each case, 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.
- e. In addition, an eligible law student may engage in other activities, under the general supervision of a member of the bar of this Court, 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 read, approved, and signed by the supervising attorney;
 - ii. preparation of briefs, abstracts and other documents to be filed in appellate courts, but such documents must be read, approved, and signed by the supervising attorney;
 - iii. except when the assignment of counsel in the matter is required by

any constitutional provision, statute or rule of this Court, 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. All such assistance must be supervised by an attorney of record, and all documents submitted to the Court on behalf of such a client must be read, approved, and signed by that attorney of record;

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

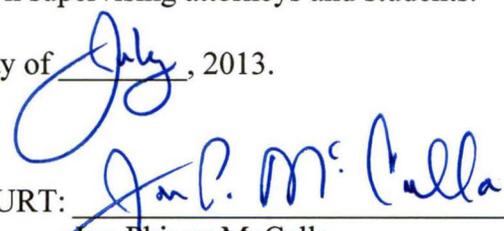
f. The Court and the Bankruptcy Court retain the power to limit a student's participation in any particular case to such activities as they deem consistent with the appropriate administration of justice.

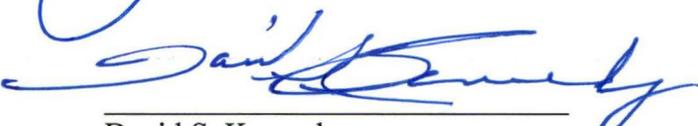
G. Court Administration.

- a. The Chief Judge, or one or more members of the Court or Bankruptcy Court appointed by the Chief Judge, shall act on behalf of the Court in connection with any function of this Court under this Rule.
- b. A committee appointed by the Chief Judge shall assist the Court to administer this Rule including the review of applications and continuing eligibility for certification supervising attorneys and students.

DATED this 23 the day of July, 2013.

FOR THE COURT:


Jon Phipps McCalla,
Chief United States District Judge


David S. Kennedy,
Chief United States Bankruptcy Judge

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE

_____)	Action No. _____
Plaintiff)	
v.)	NOTICE OF APPEARANCE
_____)	PURSUANT TO
Defendant)	STUDENT PRACTICE ORDER

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

1. CERTIFICATION OF LAW STUDENT

I certify that I am duly enrolled in _____ law school; that I have completed at least four (4) semesters of law school; that I have knowledge of and will comply with the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, the Federal Rules of Evidence, the Model Rules of Professional Conduct of the American Bar Association, the Tennessee Code of Professional Conduct, this Court's Local Rules of Practice, and this Court's Website (www.tnwd.uscourts.gov); and that I am receiving no compensation from the party on whose behalf I am rendering services.

_____ DATE	_____ SIGNATURE
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2. CERTIFICATION OF LAW SCHOOL DEAN OR DEAN'S DESIGNEE

I certify that this student has completed at least four (4) semesters of law school work, has been or will be enrolling in an approved clinical or externship program at the law school, 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 Administrative Order No. 2013-14 of the District Court for the Western District of Tennessee.

_____ DATE	_____ SIGNATURE
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_____ LAW SCHOOL	_____ POSITION OF ABOVE
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3. **CERTIFICATION BY LAW STUDENT'S SUPERVISING ATTORNEY**

I consent to supervise this student in this matter in accordance with Administrative Order No. 2013-14 of the District Court for the Western District of Tennessee. 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 opposing counsel.

DATE

SUPERVISING ATTORNEY

4. **CONSENT OF CLIENT**

I consent to be represented by student attorney, _____, in this matter in accordance with Administrative Order No. 2013-14 of the District Court for the Western District of Tennessee.

I authorize this student to appear in this matter on my behalf and to prepare court papers under the supervision of law school faculty or adjunct faculty, or other qualified attorneys working in conjunction with the law school clinical practice or externship program pursuant to Administrative Order No. 2013-14 of the District Court for the Western District of Tennessee. I understand that this student, while working under attorney supervision on my behalf, may have access to private and/or confidential information that I disclose as part of the attorney-client relationship.

DATE

CLIENT

5. **JUDICIAL CONSENT**

I authorize this student to appear in this matter pursuant to Administrative Order No. 2013-14 of the District Court for the Western District of Tennessee, except

_____.

United States District Judge

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

In re _____,) Case No. _____
Debtor.) Chapter 7
)
)

NOTICE OF APPEARANCE PURSUANT TO STUDENT PRACTICE ORDER

The following law student gives notice of his or her appearance on behalf of the debtor pursuant to Administrative Order No.2013-14 of the District Court for the Western District of Tennessee.

Student

Supervising Attorney

Address

Address

Telephone/Fax

Telephone/Fax

1. CERTIFICATION OF LAW STUDENT

I certify that I am duly enrolled in _____ law school; that I have completed at least four (4) semesters of law school; that I have knowledge of and will comply with the United States Bankruptcy Code, the Federal Rules of Civil Procedure, the Federal Rules of Bankruptcy Procedure, the Federal Rules of Evidence, the Model Rules of Professional Conduct of the American Bar Association, the Tennessee Code of Professional Conduct, this Court's Local Bankruptcy Rules, the United States Bankruptcy Court Administrative Procedures Manual – Exhibit to Standing Order, Miscell. No. 03-0006, Amended Guidelines for Electronic Filing, and this Court's Website (www.tnwb.uscourts.gov); and that I am receiving no compensation from the party on whose behalf I am rendering services.

DATE

SIGNATURE

2. CERTIFICATION OF LAW SCHOOL DEAN OR DEAN'S DESIGNEE

I certify that this student has completed at least four (4) semesters of law school work, has been or will be enrolling in an approved clinical or externship program at the law school, 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 Administrative Order No. 2013-14 of the District Court for the Western District of Tennessee.

DATE

SIGNATURE

LAW SCHOOL

POSITION OF ABOVE

3. CERTIFICATION BY LAW STUDENT'S SUPERVISING ATTORNEY

I consent to supervise this student in this matter in accordance with Administrative Order No. ____ of the District Court for the Western District of Tennessee. 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 opposing counsel.

DATE

SUPERVISING ATTORNEY

4. CONSENT OF CLIENT

I consent to be represented by student attorney, _____, in this matter in accordance with Administrative Order No. 2013-14 of the District Court for the Western District of Tennessee.

I authorize this student to appear in this matter on my behalf and to prepare court papers under the supervision of law school faculty or adjunct faculty, or other qualified attorneys working in conjunction with the law school clinical practice or externship program pursuant to Administrative Order No. ____ of the District Court for the Western District of Tennessee. I understand that this student, while working under attorney supervision on my behalf, may have access to private and/or confidential information that I disclose as part of the attorney-client relationship.

DATE

CLIENT

5. **JUDICIAL CONSENT**

I authorize this student to appear in this matter pursuant to Administrative Order No. 2013-14 of the District Court for the Western District of Tennessee, except

United States Bankruptcy Judge