Welcome to the Suffolk University Law School's Civil and Judicial Externship Program. Please read this Student Guide carefully and then meet with me to explore the creation of a program tailored to your skills and goals.

Sincerely,

Bernadette Feeley
Clinical Professor
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I. Why do an Externship?

Consider the issues raised below, speak with other students and faculty, plan ahead, and good luck to you in your choices!

A. Exploring Legal Profession Options

Many students come to law school without a definite career plan. Externships are an easy way to explore different legal settings in a short-term intensive way. A one-semester experiment in litigation or legal services may give you valuable information about your own likes and dislikes.

B. Developing Lawyering Skills

Students often want an opportunity to further refine their legal research, writing and drafting skills outside of the classroom. Certain externships enable students to churn out a stream of legal research projects and pleadings; this provides valuable practice. Similarly, other skills, such as interviewing, counseling, mediation and oral advocacy can be practiced in a rewarding setting under the supervision of experienced lawyers.

C. Developing Intensive Knowledge in a Chosen Specialty

Students who have discovered a subject (or two) of special interest may further develop their substantive knowledge through externships. Someone devoted to environmental law, for example, may choose a state or federal agency performing environmental law or they may work in public interest organizations devoted to these issues.

Specialized externships help you become familiar with topical issues in the field. They may generate potential research paper topics, special projects and collegial relationships. Students who have done a few externships or part-time projects in a specialized area often know the major players in the field by the time they graduate from law school.

D. Creating an Integrated Academic Curriculum

Each of us has our own unique learning style and unique academic attributes. For those "who learn best by doing," externships, like clinical programs and skills-based courses, round out a semester otherwise filled with a majority of classroom courses. We encourage students to plan ahead and schedule externships in conjunction with related classroom offerings. For example, a student interested in family law might arrange a semester enrolled in a family law course to coincide with a family law externship.

E. "Taking a Leap" for Evening Students

Evening students may find it more difficult than day students to arrange a time away from their existing commitments to do an externship. The benefit to such a student, however, may be great. Employers may grant a "leave of absence for a month" or a reduced workload for thirteen weeks in order to accommodate an externship designed to enhance a student's long-term professional development.
II. Frequently Asked Questions

Q: Should I do an externship if I already have a part-time legal job?

It depends. If you feel a strong interest in developing other skills and observing lawyering in a different context, then you may want to try an externship. You should speak with Professor Feeley regarding potential conflict of interest issues.

Q: Should I do an externship "just to put something on my resume?"

If you do not have any legal experience, you may indeed benefit from the experience obtained in an externship. But, you may want to do some self-exploration before you proceed. Consider some of the career advising resources available to you through the Externship Program, the Office of Professional and Career Development. By the time you begin interviewing for externships and positions, you should have considered questions like:

1. Why did I come to law school?
2. What are my personal strengths and weaknesses?
3. What are my professional strengths and weaknesses?
4. What questions do I have about where I am going with my law degree?
5. What does this externship position do to further the answering of my questions?

Q: Can I get paid for academic externships?

The law faculty has recently approved a new policy effective now until June 30, 2021. This new policy allows paid externships that meet certain requirements. See the full policy at III. (6) below.

III. The Legal Externship Program: Program Description and Requirements

The Legal Externship Program provides opportunities for students to apply newly acquired legal knowledge to real world problems. The first-hand experience of the practice of law enhances the development of legal skills, builds professional confidence and competence and eases the transition from law school to post-graduate employment.

Prior students have externed in a variety of legal settings including: state and federal courts; federal, state and local government agencies; legal aid organizations; public defenders; and private law firms and corporations.

For some students, the primary motivation may be to provide legal services to those in need or to promote social justice; for others, the goal may be to test career interests. The classroom component, individual supervision, and journal and reflective exercises described below are designed to enhance students' ability to reflect on their experience and on their learning styles and lawyering skills.
**Formal Requirements**

The requirements for the Civil & Judicial Externship Program are set forth below.

1. **Nature of work**

   The law student performs legal work under the supervision of a lawyer (the “Field Supervisor”) in an approved field placement agency or organization. Field Supervisors must agree in advance to comply with our academic requirements. While lawyers may work in any number of legal and non-legal roles and settings, the supervised work must be primarily legal.

2. **Faculty supervision**

   A Suffolk University Law School Faculty Supervisor oversees the field work and serves as professional guide for the student. The Faculty Supervisor will be either a faculty member teaching the legal internship course component, or another faculty member teaching a substantive course related to the subject matter of the internship.
   
   *(Note: Adjunct faculty may not serve as faculty supervisors.)*

3. **Journals and Time Logs**

   The student submits biweekly journals and time logs. Time logs catalogue his or her activities for the placement office and time logs are reviewed and signed by the supervisor. Journals and time logs are reviewed regularly by the on-campus faculty supervisor. (The journal and time log goals and format are described below in Sections VIII and IX.) The review assures that the student is receiving quality legal work and adequate supervision.

4. **Credits**

   A student may earn from 2 to 5 credits during the semester for work done at the legal externship placement. One credit is earned for each forty-five (45) hours of legal work in the field. Students may distribute the hours to be worked during the semester as they choose, with the approval of the Field Supervisor. Professor Feeley must approve the number of credits appropriate for the student and the given placement. No more than 3 credits will be awarded for externships with field supervisors who have not previously been affiliated with the Externship Program. Approval is subject to the discretion of the Clinical Professor for Externships.

   We encourage students to earn at least 3 credits for the externship, if scheduling permits. Evening students and those with heavy personal responsibilities may find this difficult. However, field supervision is complicated by intermittent participation at the placement by students. The more hours that the student can be in the placement, the better will the opportunity be to engage in substantial legal work. Certain litigation and judicial externships require a minimum of 15-20 hours per week.

   Students should be realistic about their academic course load and their extra-curricular commitments when deciding whether to extern and when proposing the number of credits to be earned in the placement. Commitments to field supervisors who regularly take responsibility for SULS externs must be honored to maintain the quality of field placements which the Program has established.
5. **Class Component**

**Legal Process and Practice (Spring 2022)**

*2 credits day; 2 credits evening*

This course is required for all students enrolled in the Civil and Judicial Externship Program. The two credits granted for this course are in addition to and independent of any credits awarded for that field placement experience. This classroom component will cover topics including ethical issues relating to externships; economic, social and moral issues in the legal profession; workplace skills; and discussion of field experiences. For their externship placement, students are required to keep regular journals which also will be discussed in this class. Readings and class participation are essential components of the course. An in-class oral presentation on a topic related to the student’s fieldwork experience is required. An extended journal on an ethical issue is required. This paper will not satisfy the writing requirement. Student work is graded on a H/P/LP/F basis. This course does not fulfill the academic requirement for externships through Suffolk University Law School and the Center for International Legal Studies.

As an alternative to the Legal Process and Practice course, students can be supervised individually by a full-time faculty member only if the student has taken, or is in the process of taking, a substantive course elective with that faculty member and that course relates to the field placement experience. Decisions about what courses and which placements qualify will be made by the Clinical Professor for Externships in consultation with the Director of Clinical Programs. The faculty member must agree to supervise the student under the guidelines of the Externship Program.

6. **Policy Allowing Compensated Externships**

A SULS externship may be paid or unpaid. Paid externships are limited total of not more than 3 credits towards a student’s J.D. These credits must be taken in one semester. SULS is not responsible for monitoring or arranging compensation. All issues regarding compensation are solely between the placement and the student. All paid placements must comply with the mandates of the ABA Standards and all the requirements of the Externship Program. For students already engaged in law related employment, current work and/or placements will not automatically qualify for this program. In order to qualify, a student and placement must (1) comply with the mandates of the ABA, (2) fulfill all Externship Program requirements, and (3) submit an educational plan providing that the student’s work will be law related and focused on developing lawyering skills. Acceptance of the student into the program is subject to the approval of the Clinical Professor for Externships in consultation with the Director of the Clinical Programs.

7. **Single clinic requirement**

The student may not enroll in *any other* clinical program during the semester in which he or she serves as an extern.

8. **Total Clinical Credit Limitation**

Suffolk students are encouraged to take advantage of both our externship and clinical programs. Students may only receive **12 credits** during their academic tenure for clinical and externship placement credits.
9. **Second Time Takers**

Students seeking to take a second externship must obtain the approval of Professor Feeley. Continuing a single externship for a second semester will be approved only if continuing the externship presents an extraordinary educational opportunity.

10. **Grades**

Placement credits are graded pass/fail. The classroom component is graded separately (see course description).

11. **Evaluations**

Field Supervisors are required to evaluate student work. This evaluation becomes part of the student’s Externship Program file.

12. **Eligibility**

Any day student who fails to achieve a GPA of 2.67 after his or her first year is barred from enrolling in the Civil & Judicial Externship Program for one year/two semesters. Any evening student who fails to achieve a GPA of 2.67 after his or her third semester is barred from enrolling in the Civil & Judicial Externship Program for one year/two semesters. Thereafter, the student may enroll in the Program but the student’s participation is limited to 3 placement credits during his or her law school career.

13. **Lexis and Westlaw**

Students may not use their law school Westlaw passwords for field placement legal work (except in very limited circumstances and with the permission of Professor Feeley). Students may use their Lexis law school passwords for field placement work if they are doing a for-credit externship.

14. **Outside Work**

If you have an outside job while you are externing, either compensated or uncompensated, you must inform Professor Feeley and your Field Supervisor of the details of that position. If there are any changes in the status of your employment during the semester, you must promptly inform both.

15. **Private Law Firm Placements**

For unpaid externships, placements may not bill clients for student work. The student and field supervisor must agree to this in writing prior to placement approval. In order to serve as a field supervisor, in any externship paid or unpaid, private attorneys must certify to the Board of Bar Overseers that they are covered by professional liability insurance. Students requesting to extern with a private law firm must complete a registration packet specific for law firms.
For unpaid externships, students may not extern for credit for a law firm in which a family member is employed.

16. **Contact Professor Feeley**

Students interested in a for-credit externship should contact Professor Feeley at bfeeley@suffolk.edu.
IV. Educational Goals

The Civil & Judicial Externship Program at Suffolk University Law School has the following goals:

1. To promote student development of a wide range of lawyering skills.
2. To provide an opportunity for students to reflect upon the role of the attorney in the workplace and the profession at large.
3. To expose the student to the realities of professional life and to a variety of styles of legal practice in order to promote better informed decisions about professional life.
4. To enable students to learn doctrine through practical application.
5. To expose the student to the role of attorney as problem solver.
6. To promote student acknowledgment and assessment of their personal and ethical values in order to develop fully as lawyers.

SKILLS

In the course of your externship, you will be exposed to a wide range of lawyering skills. Some of us may be under the misconception that lawyering only means “litigation” or “being on trial.” In fact, the full spectrum of lawyering skills range from problem solving, to transactions, to drafting proposed rules and regulations for an agency.

As you observe lawyering in your new placement, think carefully about the particular legal functions which you are learning and try to maximize your ability to do each one. The wonderful flexibility inherent in lawyering is that if you learn these skills well, you can transpose your use of them into many environments.

Legal Research: Hard copy research; computer based research; refinement of research strategies.

Writing: Legal correspondence; legal research memoranda; drafting pleadings: complaints, answers, interrogatories, discovery requests, responses and dispositive motions; brief writing: trial and/or appellate briefs.

Fact Finding: Discovery; independent investigations; managing investigators; telephonic and library research.

Interviewing techniques: Initial client interview; witness interviews; deposition techniques.

Negotiation skills: Informal oral advocacy and conflict resolution with opposing counsel or law enforcement officials.

Mediation and Alternative Dispute Resolution: Specialized techniques for resolving disputes during or prior to litigation.
**Trial Techniques**: Oral argument; direct and cross-examination of witnesses; trial strategy; trial memoranda and motions.

**Opinions**: Administrative agency, court and professional opinions concerning the legality of proposed or past actions.

**Client Relationship**: Starting the relationship; cooperating on development of client legal strategy; maintaining the relationship and enabling client to assist in the process.

**Substantive Knowledge**: Becoming familiar with the relevant statutes, regulations, case law, dominant legal principles.

**Problem-Solving**: Problem definition; developing problem-solving strategies.

**Procedural Knowledge**: Becoming familiar with the state or federal rules of evidence, civil and criminal procedure and rules of court.

**Institutional Knowledge**: Becoming familiar with the structure and processes of agencies and other organizations.

**Workplace Skills**: Nature of the workplace; nature of relationships: among lawyers, technical and support staff, among opposing attorneys, attorneys and judges, and attorneys and other officials; working conditions (space, hours, degree of autonomy and direction).

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**VALUES**

Terms like justice, ethics and morality are difficult to define, but most students who enter law school have a well-developed sense of values. Those values should influence the student in choice of career or externship. Altruistic students may be attracted to poverty law. Students committed to race or gender based justice may be attracted to the Massachusetts Commission Against Discrimination. Students should attempt a careful inventory of their values as a guide to choice of externship.

**V. The Placement Process**

Professor Bernadette Feeley assists students in the assessment of skill development needs and personal and professional goals, and in the ultimate selection of externships. She will share listings and descriptions of externship opportunities available to Suffolk students. She also helps students to consider carefully their educational and professional objectives.

Once the student and Professor Feeley have determined the appropriate setting for the externship, the student is expected to demonstrate the appropriate motivation, exertion and professionalism to secure the externship. The student contacts the externship field supervisor and determines whether the placement is a satisfactory one. Field supervisors are required to make a written commitment to carry out the requirements of high-quality supervision for the student.

Students are encouraged to arrange their academic program so as to take full advantage of the externship opportunity and other clinical programs at the Law School.
Program Website

Students can search the Civil & Judicial Externship Program website to find law offices that have recently been affiliated with our program.

https://www.suffolk.edu/law/academics-clinics/clinics-experiential-opportunities/civil-and-judicial-externships

or

Go to the law school's web page at https://www.suffolk.edu/law/
Click on Academics & Clinics
Click on Clinics & Experiential Opportunities
Click on Experiential Opportunities
Click on Civil and Judicial Externships
Click on Search Placements (Highlighted in Blue)
Log in with your Suffolk email username & password

There are different ways you can search for placements:
Area of law
Type of Organization
City
State
Organization Name
Supervisor's Name

**** IF YOU EXPERIENCE ANY PROBLEMS GETTING ON TO OUR WEBSITE, PLEASE EMAIL VIVIAN ROSADO AT vrosado@suffolk.edu FOR ASSISTANCE.

Stages of the Externship Registration Process

1. Student arranges and has a personal interview with Professor Feeley (bfeeley@suffolk.edu) prior to application for externships.

2. During interview, externship options are narrowed and program resources are made available. Professor Feeley indicates which externships would be acceptable and which are appropriate for 2-5 credits.

3. Student conducts additional research necessary to be a well-informed applicant for each externship. Student applies for externship, interviews with potential supervisors, and selects externship.

4. Student provides field supervisor with Field Supervisor Letter Agreement confirming his/her participation in the Program. Student and field supervisor agree upon weekly schedule and number of hours. (There is a separate agreement specifically for private firm placements).

5. Student submits completed Placement Approval and Course Assignment Form, a signed copy of the Field Supervisor Letter Agreement, and a Conflict of Interest Form to Professor Feeley for approval. Except for judicial placements, students submit the business card of their field supervisor with the material. Professor Feeley reviews and considers approval and discusses with student accompanying class section. Professor Feeley signs Placement Approval and Course Assignment Form permitting enrollment in Program.
VI. How to Choose an Externship

The selection of an externship from the list of placement opportunities may, at first glance, be daunting. For many students, the search for placement may be their first foray into the legal world. Others may have more knowledge about the life of the lawyer from previous employment, or friends or relatives. Ideally, we want to place students in legal externship positions that will advance their long-term educational and placement goals. For many students, this will involve both "interior" and "exterior" searches. An interior search will require personal introspection and the use of skills and interest inventories. The exterior search would involve a study of the legal opportunities. The ultimate responsibility for placement remains with the student who must initiate contact with the proposed placement supervisor and secure agreement to serve in that role. But before a student contacts the placement, he or she should give careful consideration to personal goals and the character of the placement he or she is seeking.

The Professional World
The legal world can be categorized in an infinite variety of ways. Demographic studies report that approximately 70% of all lawyers are in private practice in law firms or businesses. Individual representation, or general practice, involves primarily real estate, wills and estate planning, tort and workers’ compensation, domestic relations, tax and small criminal matters (including juvenile). Business practice involves general business associations and then specialty work depending on the nature of the business. Most of the other thirty percent of the profession works for government or as in-house counsel for businesses.

Within the above categories, numerous sub-categories exist. Practice settings vary from working alone to working in large groups. Some can be done part-time, others not. There is a rich literature which describes the many professional options for students.

Long Term Goals
Other things being equal, students should choose placements that serves their long-term goals. Developing a specific five-year plan for oneself is the ideal. Placement people tell us to do a personality inventory. What are my strengths and weaknesses? Am I sufficiently self-motivated to work on my own? Is the rough and tumble atmosphere of a criminal court attractive to me? How can I satisfy my ideals in the practice? Of course as future job applicants, we need to assess our background. Can I build upon my undergraduate major or work experience? Do I have friends or relatives in the legal world who can: advise me now or employ me in the future? Are my goals realistic? Is my area of interest growing? Contracting? Where do I want to live? Boston or the West Coast, in an urban or rural setting? What are my family plans? How important is money to me?

Immediate Goals
But perhaps all of this cannot be decided now. Students with no previous contact with the professional world may have insufficient knowledge to answer the questions above. They may simply seek field experience of any kind or an entry into a work study position or summer job.

Substantive Law
Consider the subjects which you enjoy most. A good deal of substantive knowledge can be gained in a government agency even in a short placement period. Other placements, for instance a superior court or district court judge or a city law department, deal with a broad array of substantive areas.

Skills
The good lawyer must develop many skills including: writing and drafting, oral advocacy, research, fact investigation, interviewing and counseling, negotiation, problem solving and interpersonal skills. A student's long-term goals may require that he or she develop very specific skills like writing, negotiating or oral advocacy. Placements vary widely in training students in the skills of lawyering. Many are straight research positions; these are approvable, as are those
which expose the student to a broader array of skills than merely research. The primary goal of
the Program is to put the student in a position to observe at close range, indeed to participate in the
lawyering process as it proceeds at the field placement office. Again, a personal inventory and an
investigation into the nature of the work that a placement agency does will advance the narrowing
process.

Rule 3:03
This Massachusetts SJC Rule allows senior law students to make court appearances in civil and
criminal cases. Students in their next to last year enrolled in a clinical or externship program are
allowed to make court appearances in non-criminal cases. Students must meet other rule
requirements. Placements will vary as to whether they need this certification or whether they will
make use of it. An application for 3:03 certification is available in the Dean of Students Office.
Students are responsible for going to the Deans of Students Office to complete the necessary
paperwork. Summaries of the Application of SJC Rule 3:03 for both criminal and civil cases are
included at the end of this handbook.

Location
Some students come to law school with a very specific plan as to where they will live and
practice. If your plans include a specific location within the commuting distance of the law
school, then a placement that will enhance your ability to practice in your chosen locale might be
important. You must be able to transport yourself to the placement. Students with no access to a
car are obviously limited to sites near public transportation. Students unfamiliar with Boston and
its environs should investigate this.

Time
Placements tend to be better when students can find longer blocks of time to spend at the
placement. Spending a full day or two at the agency may be preferable to spending three blocks
of two hours on three different days. This requires planning and scheduling on the part of the
student.

Supervision
The key ingredient in any placement is quality supervision. This can require give and take on
both sides of the relationship. The supervisor must make time for the student but the student must
adapt to the busy schedule of the supervisor. A satisfactory mentoring relationship occurs when
there are sufficient opportunities to work together. The student needs to judge this at that first
meeting with the supervisor before the relationship is finalized. Do not accept a placement with a
supervisor who appears distracted, disinterested, or unable to communicate effectively. Students
should discuss any supervision concerns with Professor Feeley.
VII. Creating Your Own Externship

After reviewing the list of Externships, you may wish to create your own field placement either because you know someone who could potentially serve as a field supervisor to you or because your interests lie outside of the placements listed. Family members may not serve as students' field supervisors and students may not extern for credit at law offices which employ their relatives. The major features of a new placement should include solid legal work and a committed field supervisor.

The Clinical Professor for Externships must approve all placements.

VIII. Narrative Journals for Law Externs

Law Externs must submit narrative journals during the semester on a biweekly basis. These journals of student life as a legal extern are designed to serve several functions:

* Provide sufficient information so that the Faculty Supervisor can effectively oversee the nature of the work performed and the adequacy and style of supervision being afforded by the Field Supervisor.
* Provide a forum for the student to deepen his/her reflections upon his/her working experience for the purpose of self-assessment, and in order to expand self-awareness of learning and personal work styles.
* Provide a forum for consideration of personal satisfaction with the working environment, lawyering skills used and mentoring styles observed.

Throughout the semester, specific topics may be assigned for certain journal entries. If no specific topic is assigned, students may reflect on any topics related to their field placement experience including:

* The type of supervision you are receiving;
* Your supervisor, his or her duties and functions as an attorney;
* The types of skills which you are learning;
* The skills which you still need to develop in order to perform your work well;
* The ways in which you learn and work best;
* The ways in which learning and working are difficult for you;
* The work and life style of the supervisor;
* The nature of the work which you performed;
* Your experience of conducting different types of legal work;
* The politics of the institution in which you worked;
* The nature of relationships among lawyers, between lawyers and support staff, between lawyers and judicial and other officials; and,
* The ways in which your personal, political and social values relate to the work you are doing.

Students should consult Learning From Practice, A Text for Experiential Legal Education (3rd ed. 2016), chapter 8 on Reflection and Writing Journals. Several copies of this book are on reserve in the law library.
Field supervisors need not sign the narrative journals. (Field supervisors must sign time logs, which are discussed separately.) The journals should be typed on plain paper. Each journal entry should be a minimum of three typed pages. Students should keep a copy of their journals for their own records.

The journals will be maintained in the Instructor’s files. The Instructor may, on occasion, ask for permission to share submissions with or without attribution.

In addition, as a one-time submission, students should attach to one journal an example of a writing developed during the externship. Care should be taken not to violate any particular rule of confidentiality that might apply to the placement agency. Discuss any concerns with your Faculty Supervisor.

IX. Time Logs

Law Externs must keep daily time logs of their work at their field placement. These time logs are designed to serve several functions:

* Confirm that the student is properly fulfilling the requirement of performing legal work for the required number of hours during the semester.
* Provide a record of the substantive work actually performed and completed for the student, supervisor and instructor.
* Provide sufficient information so that the Faculty Supervisor can effectively oversee the nature of the work performed and the adequacy and supervision by the Field Supervisor.

Students must follow these time log requirements:

1) The time logs detail the activities engaged in for each hour of work at the placement. For example, the time log should report hours spent conducting legal research, drafting memoranda, pleadings of briefs, in conference, observing hearings, etc.

The time log should describe the general subject matter of the work performed without divulging confidential information. For example, “I conducted legal research on the question of whether the United States is immune from suit for claims of slander brought against federal officials acting within the scope of their employment.” “Conducted West law and hard copy research.” “Drafted 10-page memorandum regarding change of venue”

The time log should contain a legal description of the work performed and the student’s role.

2) The form of the time log must conform to the sample log provided to students in class. The time log should report the date and specific hours worked. It should also report the total hours worked for the date, the week, and a running total of hours worked during the semester.

3) The Field Supervisor must review and sign the time log.

4) Three copies should be made of the time log: one for the instructor, one for the field supervisor, and one for the student’s records.
5) Although students must record work daily, the time logs need only be submitted to the Faculty Supervisor biweekly.

X. Legal Externship Program Registration Forms

In order to register, students must complete the registration packet and return it to Professor Feeley, along with an unofficial copy of their transcript, before the end of add/drop. Students may obtain registration packets from Vivian Rosado, Staff Assistant, vrosado@suffolk.edu

There is a separate registration packet for private law firm externships. Students externing at private law offices must complete this packet.

Registration packets contain the following forms:

1. Placement Approval & Course Assignment (completed by the student)

2. Field Supervisor Letter (must be signed by the student and the field supervisor)

3. Conflict of Interest form (completed by the student)
XI. SUMMARY OF THE APPLICATION OF S.J.C. RULE 3:03 IN CIVIL CASES

S.J.C. Rule 3:03, sometimes referred to as the “Student Practice Rule,” governs the circumstances under which law students can be authorized to represent either the Commonwealth or indigent parties in civil proceedings in certain courts of the Commonwealth.

In civil proceedings, only the following students are eligible for Rule 3:03 certification:

1. Third year day students or fourth year evening students (students who have successfully completed their next to last year of law school) who have successfully completed or are enrolled in evidence or trial practice.

2. Second year day students or third year evening students:
   • who are participating in a law school clinical instruction program and
   • who have successfully completed or are enrolled in evidence or trial practice.

[Note: In the Appeals Court or the Supreme Judicial Court, where students may appear only with the permission of a justice of that court, in the discretion of an appellate justice, successful completion of or enrollment in a course in appellate practice may be deemed a substitute for a course in evidence or trial practice.]

Limitations on Receipt of Compensation

Students may not receive any compensation from a client. Under Rule 3:03, this limitation on compensation is not construed to prohibit fixed compensation paid regularly by a governmental agency or legal assistance program employing the law student.

Limitations on Whom Students Can Represent

Students may only appear:
• On behalf of the Commonwealth, an agency of the Commonwealth, or
• On behalf of indigent parties in civil proceedings.

Authorized Supervisors

The rule is explicit about who is authorized to provide the supervision it requires.

If appearing on behalf of the Commonwealth or a subdivision thereof, the supervisor must be:
• A regular or special assistant district attorney;
• A regular or special assistant attorney general;
• A municipality’s corporation counsel, a city solicitor or town counsel, or an assistant municipal counsel or assistant solicitor.
If appearing on behalf of an indigent party in a civil proceeding, the supervisor must be:

- A member of the Massachusetts bar assigned by the Committee for Public Counsel Services;
- A member of the Massachusetts bar employed by a non-profit program of legal aid, legal assistance or defense;
- A member of the Massachusetts bar employed by a law school clinical program.

**Note:** Any student representing a client under this rule must:

- Advise the client that s/he is a law student;
- Obtain written authorization from the client acknowledging that the client has been informed of the student’s status and authorizing the student to represent him;
- Have this authorization signed by the supervising attorney; and
- File the document, along with the written appearance of the supervising attorney, with the court in which the proceedings are pending.

**Limitations on Courts in Which Students Can Appear**

Students may appear in civil proceedings only in the following courts:

- Any division of the District Court, Juvenile Court, or Housing Court Departments, or in the Boston Municipal Court Department;

- The Appeals Court, Supreme Judicial Court, Superior Court, Probate and Family Court, or Land Court only with the permission of a justice of that court;

- Before any administrative agency, provided such appearance is not inconsistent with the agency’s rules.

Please note that this memo summarizes only the basic provisions of the S.J.C. Rule 3:03. Any student seeking to practice under the rule must read it in its entirety.
XII. SUMMARY OF THE APPLICATION OF S.J.C. RULE 3:03 IN CRIMINAL CASES

S.J.C. Rule 3:03, sometimes referred to as the "Student Practice Rule," governs the circumstances under which law students can be authorized to represent either the Commonwealth or indigent defendants in criminal proceedings in certain courts of the Commonwealth. Note: Only "senior" law students - that is, third year day students or fourth year evening students (students who have successfully completed their next to last year of law school) - who have successfully completed or are enrolled in Evidence or Trial Practice may be certified for student practice in criminal cases.

Limitations on Receipt of Compensation

• Students may not receive any compensation from a client. Under Rule 3:03, this limitation on compensation is not construed to prohibit fixed compensation paid regularly by a governmental agency or legal assistance program employing the law student.

Limitations on Whom Students Can Represent

Students may only appear:

• On behalf of the Commonwealth, an agency of the Commonwealth, or a municipality; or
• On behalf of indigent defendants.

Authorized Supervisors

The rule is explicit about who is authorized to provide the supervision it requires.

If appearing on behalf of the Commonwealth or a subdivision thereof, the supervisor must be:

• A regular or special assistant district attorney;
• A regular or special assistant attorney general;
• A municipality’s corporation counsel, a city solicitor or town counsel, or an assistant municipal counsel or assistant solicitor.

If appearing on behalf of an indigent criminal defendant, the supervisor must be:

• A member of the Massachusetts bar assigned to represent the defendant by the Committee for Public Counsel Services;
• A member of the Massachusetts bar employed by a non-profit program of legal aid, legal assistance or defense;
• A member of the Massachusetts bar employed by a law school clinical program.

Note: Any student representing a defendant under this rule must, prior to acting or appearing for the client:

• Advise the client that s/he is a law student;
• Obtain written authorization from the client acknowledging that the client has been informed of the student’s status and authorizing the student to represent him;
• Have this authorization signed by the supervising attorney; and
• File the document, along with the written appearance of the supervising attorney, with the court in which the proceedings are pending.
Limitations on Courts in Which Students Can Appear

Students may appear in proceedings only in the following courts:

On behalf of the Commonwealth, in:
- Any division of the District Court, Juvenile Court, or Boston Municipal Court Department.

On behalf of indigent defendants in:
- Any division of the District Court, Juvenile Court, or Housing Court Departments, or in the Boston Municipal Court Department;
- In the Supreme Judicial Court or the Appeals Court.

On behalf of either the Commonwealth or indigent defendants:
- With the permission of a justice of the Superior Court Department, in the Superior Court only on:
  o A motion for a new trial in the Superior Court, either after the time for direct appeal has expired or, if such an appeal has been taken, after the appeal has been decided by the S.J.C., or
  o A petition for review of bail under G.L. c. 276, sec. 58; or
  o An appeal for review of sentence in the Appellate Division of the Superior Court
- Before any administrative agency, provided such appearance is not inconsistent with the agency's rules.

Please note that this memo summarizes only the basic provisions of the S.J.C. Rule 3:03. Any student seeking to practice under the rule must read it in its entirety.