

# Procedure for 3d Year Certification

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University of Nebraska College of Law

1. Student must be in senior standing
2. Attorney(s) who will be supervising the student must read the Rules. (Note the Motion requirement on Page 7 under NEGenR 1.7(j).
3. Using the firm's letterhead, attorney(s) must write a letter to the Dean requesting the student(s) to be certified and stating under which Rule(s) they will be practicing. [The sample letter on page 2 may serve as a guide.]
4. If more than one attorney will be supervising the student, each one must sign the letter of request. **(One attorney *cannot* sign for all.)**
5. A certification letter will be prepared by the Dean's Office as soon as possible after receipt of this letter. These are sent to the Clerk of the Supreme Court, the U.S. District Court, and/or the Bankruptcy Court, depending under which Rule(s) the student is to be certified.
6. A copy of the certification letters are sent to the supervising attorney(s).

## Sample Letter Requesting Certificate of Law School Dean

Date

Dean, College of Law  
University of Nebraska  
PO Box 830902  
Lincoln, NE 68583-0902

Dear Dean:

It is requested that *(name of student(s))* shall be certified by you to engage in the activities specified in the Rules of the Supreme Court of Nebraska, the U.S. District Court, and the Bankruptcy Court pertaining to legal practice by third year law students under my (our) supervision. I (we) have read all sections of the Rules and agree to abide by them in all respects.

Sincerely,

/s/

Typed signature

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**NEBRASKA SUPREME COURT**  
**CHAPTER 3**  
**ATTORNEYS AND THE PRACTICE OF LAW**  
**ARTICLE 7**  
**SENIOR LAW STUDENTS; LIMITED PRACTICE OF LAW**

Section.

- 3-701. Purpose.
- 3-702. Activities.
- 3-703. Requirements and limitations.
- 3-704. Supervision.
- 3-705. Certification.
- 3-706. Miscellaneous.

**§ 3-701. Purpose**

The purpose of this rule is to provide senior law students with supervised practical training in the practice of law during the period of their formal legal education.

**§ 3-702. Activities.**

An eligible law student may engage in the following activities:

- (A) Appear and participate in:
  - (1) Trials in civil matters in Workers' Compensation Court, county courts, and district courts in this State when acting under the general supervision of an attorney duly admitted to practice in Nebraska. Any such appearance in Workers' Compensation Court, county courts, and district courts must be in the personal presence of the supervising attorney, except that the county court judge, may waive the requirement of personal presence of a supervising attorney in specific cases for an eligible law student who has previously participated in a trial in that court in the personal presence of the supervising attorney. For the purposes of this rule, proceedings to enforce a penalty for violation of a municipal ordinance shall be deemed criminal in nature.
  - (2) Criminal matters in all courts when acting under the general supervision of an attorney duly admitted to practice in Nebraska who is defending any case in these courts. Such appearance must be in the personal presence of the supervising attorney.
  - (3) Criminal matters in all courts when acting as an assistant to a county attorney, deputy county attorney, or other prosecuting official duly admitted to practice in Nebraska. Such appearance must be in the personal presence of the supervising attorney.

- (4) Postconviction and habeas corpus matters in all courts when acting under the general supervision and in the personal presence of a lawyer admitted to practice in Nebraska who is prosecuting or defending such a case.
- (5) Juvenile matters when acting under the general supervision of an attorney duly admitted to practice in Nebraska who is prosecuting or defending such case. Any such appearance must be in the personal presence of the supervising attorney.
- (B) Hold consultations and prepare pleadings, briefs, and other documents to be filed in any matter in which the student is eligible to appear, when acting under the general supervision of an attorney duly admitted to practice in Nebraska. Such pleadings, briefs, and other documents must be signed by the supervising attorney but may also set forth the name of the eligible law student who has participated in preparation of the document(s).
- (C) Prepare briefs and other documents to be filed in the Nebraska Court of Appeals and the Supreme Court of Nebraska, but such briefs or other documents must be prepared under the general supervision of and signed by an attorney duly admitted to practice in Nebraska. Each such instrument may set forth the name of the eligible law student who has participated in preparation of the document(s).
- (D) Participate in oral argument in the Nebraska Court of Appeals and the Supreme Court of Nebraska, but only in the personal presence of an attorney of record in the case and only with the prior approval of the Court.
- (E) Hold consultations with clients, advise clients on legal matters, and prepare any documents related to such consultations and legal advice.

Rule 2(C) and (D) amended November 22, 2000. Renumbered and codified as § 3-702, effective July 18, 2008. § 3-702€ amended September 13, 2012.

### **§ 3-703. Requirements and limitations.**

To become eligible to participate in legal activities pursuant to this rule, a law student must:

- (A) Be duly enrolled in a law school approved by the American Bar Association. A law student will be considered duly enrolled during the period of his law school's next summer vacation period following completion of the requirements of § 3-703(B).
- (B) Have completed legal studies sufficient to have attained senior standing at his or her law school.

- (C) Be certified by the dean of his or her law school as being of good character and competent legal ability, and as being adequately trained to perform as a legal intern under the general supervision of the attorney or attorneys designated by name.
- (D) To the extent the student is appearing before a court, be introduced to the court in which he or she is appearing by an attorney duly admitted to practice in that court.
- (E) To the extent the student is appearing before a court, receive the affirmative consent of the court in which he or she is appearing to appear before it.
- (F) Not ask for or receive any compensation or remuneration of any kind for his services directly from the client on whose behalf he renders services. This provision is not intended to preclude the supervising attorney from compensating the eligible law student nor to prevent the supervising attorney from receiving a fee from the client for the services performed in compliance with the otherwise applicable rules of proper professional conduct.

Rule 3(B) amended May 20, 1992; Rule 3(A) amended July 31, 1992. Renumbered and codified as § 3-703, effective July 18, 2008. §§ 3-703(D)-(F) amended September 13, 2012.

#### **§ 3-704. Supervision.**

The lawyer under whose supervision an eligible law student engages in any of the activities permitted by this rule shall:

- (A) Be duly admitted to practice law in Nebraska.
- (B) Assume personal professional responsibility to the client for the services performed by the law student.
- (C) Secure the prior written consent of the client for the services actually to be performed in court by the law student.
- (D) Assume personal professional responsibility for the student's guidance in any work undertaken and for supervising the quality of the student's work.
- (E) Assist the student in his or her preparation to the extent the supervising lawyer considers it necessary.

#### **§ 3-705. Certification.**

The certification of a student by the law school dean:

- (A) Shall be filed with the Clerk of this Court and, unless it is sooner withdrawn, shall terminate if the student does not take the first bar examination following his or her graduation, or if the student takes such bar examination and fails it, or if he or she is admitted to full practice before this court.

- (B) May be withdrawn by the dean at any time by mailing a notice thereof to the Clerk of this Court. It is not necessary that the notice state the cause for withdrawal.
- (C) May be terminated by this Court at any time without prior notice and without any showing of cause.

Rule 5(A) amended September 25, 2002. Renumbered and codified as § 3-705, effective July 18, 2008.

**§ 3-706. Miscellaneous.**

Nothing contained in this rule shall affect the right of any person who is not admitted to practice law in Nebraska to do anything that he or she might lawfully do prior to the adoption of this rule.



**Neb. R. Bankr. P. 1001-1**

Scope of Local Rules, Forms, Appendices and Definitions

**C. District Court Rules**

The Nebraska General Rules of the United States District Court for the District of Nebraska concerning the following matters are specifically made applicable in bankruptcy cases and adversary proceedings and can be found at [www.ned.uscourts.gov](http://www.ned.uscourts.gov):

1. Admission, discipline of attorneys, clinical legal education for law students, non-resident attorneys and appearance of counsel. NEGenR1.3(d), 1.7, and 1.8.



## NEGenR 1.7(j)

Effective December 1, 2016. General Rules of the United States District Court for the District of Nebraska

### **(j) Clinical Legal Education.**

#### **(1) Limited Admission.**

- (A) By Motion.** An eligible law student acting under a supervising attorney shall be admitted to the limited practice of law in this court on the supervising attorney's motion.
- (B) Representation.**
  - (i) An eligible law student may represent the United States in both civil and criminal matters.
  - (ii) If a supervising attorney and the client give written consent, an eligible law student may represent the client in any civil or criminal matter.
- (C) Permitted Activities.** The eligible law student may, under the conditions stated below, interview, advise, hold consultations, and prepare and sign documents for filing. The eligible law student may participate orally in the presentation of contested and uncontested matters, including trials.
- (D) Application of Rules.** The eligible law student is bound by all of this court's rules applicable to the supervising attorney in the case in which the law student is participating.

#### **(2) Eligibility.** To be eligible to appear and participate a law student must:

- (A)** be a student enrolled and in good standing in a law school approved by the American Bar Association. A law student is considered enrolled during the student's law school's summer vacation after completion of the requirements of Nebraska General Rule 1.7(j)(2)(B);
- (B)** have completed 4 semesters of legal study or the equivalent if the law school is not on a semester basis;
- (C)** file with the clerk:
  - (i)** a law school dean's certificate stating that the student is of good moral character, meets the requirements in Nebraska General Rule 1.7(j)(2)(A) and (B), and is qualified to serve as a legal intern. The certificate must be in a court approved form and is effective for 12 months after it is filed or until the student's graduation from law school, whichever is earlier;

- (ii) a certificate in a court approved form stating that the student has read and agrees to abide by this court's rules, applicable ethical standards, and other relevant federal practice rules; and
  - (iii) a notice of appearance in each case in which the student participates or appears as a law student intern. The notice must be a court approved form and signed by the supervising attorney, the student intern, and the client or authorized representative;
- (D) be introduced to the court in which the student appears by an attorney admitted to practice in this court; and
- (E) receive the court's affirmative consent for the student to appear before it.

**(3) Restrictions.** A law student admitted under these rules may not:

- (A) request or receive any compensation or remuneration of any kind directly from the client. This restriction does not prevent the supervising attorney or the attorney's law firm, a law school, a public defender, or any government agency from compensating the law student, or prevent any firm or agency from charging for its services as it may otherwise properly charge;
- (B) appear in court without the supervising attorney; or
- (C) file any documents the student prepared that were not read, approved, and signed by the supervising attorney and cosigned by the student.

**(4) Notice.** A supervising attorney who intends to use a student attorney under this rule in a contested matter must notify the court and opposing counsel before the matter is scheduled to begin. If the court decides the student attorney's participation would be inappropriate, the court will advise the supervising attorney and the student attorney may not appear.

**(5) Termination.** A student attorney's certification terminates if the student attorney (A) does not take the first bar examination after graduation, (B) takes the examination and fails it, or (C) is admitted to full practice before this court. The student attorney's law school dean or the supervising attorney may withdraw the certification at any time by submitting a notice to the clerk. The notice need not state the cause for the withdrawal. A judge may also terminate a student attorney's admission to limited practice at any time without notice, hearing, or showing of cause.

**(6) Supervising Attorney.** Any person acting as a supervising attorney under this rule must be admitted to practice in this court and must also:

- (A) assume personal professional responsibility for the conduct of the student being supervised;
- (B) cosign all documents prepared by the student;

- (C) advise the court of the student's participation under Nebraska General Rule 1.7(j)(4), be present with the student at all times in court, and be prepared to supplement oral or written work of the student as the court requests or as necessary to ensure the client's proper representation; and
- (D) be available for client consultation.