

Procedure for 3d Year Certification

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 6 under NELR 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 form and 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 form and cover letter is sent to the supervising attorney(s).

Sample Letter Requesting Certificate of Law School Dean

Date

Dean, College of Law
University of Nebraska
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

**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.

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

§ 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) Be introduced to the court in which he or she is appearing by an attorney duly admitted to practice in that Court.

(E) 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.

§ 3-704. 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

Scope of Local Rules, Forms, Appendices

C. District Court Rules

The Local 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:

1. Admission; ~~discipline of attorneys; clinical legal education for law students,~~ non-resident attorneys and appearance of counsel. NELR 83.4; 83.5; 83.6; 83.7; 83.8. Because of length, these are not included in the Appendix.

NELR 1.7(j)

Amended October 26, 2007 Nebraska General Rules

(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 motion of the supervising attorney made pursuant to this rule.

(B) Representation.

- (i) An eligible law student may represent the United States in both civil and criminal matters before this court.
- (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 in this court.

(C) Permitted Activities. The eligible law student may, under the conditions stated below, interview, advise, hold consultations, and prepare and sign documents for filing with this court. The eligible law student may participate orally in the presentation of contested and uncontested matters, including the trial of cases.

(D) Application of Rules. The eligible law student shall be bound by all of the rules of this court which would be 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 duly enrolled and in good standing in a law school approved by the American Bar Association. A law student will be considered duly enrolled during the period of the student's law school's next summer vacation period following completion of the requirements of subparagraph (j)(2)(B) of this rule;
- (B) Have completed legal studies amounting to four (4) semesters or the equivalent if the law school is on some basis other than a semester basis;
- (C) File with the clerk:
 - (i) A certificate by the dean of the law school that the student is of good moral character, meets the requirements in subparagraphs (j)(2)(A) and (B) of this rule, and is qualified to serve as a legal intern. The certificate shall be in a form prescribed by the court and shall remain in effect until the expiration of twelve (12) months after it is filed or until the student's graduation from law school, whichever is earlier;
 - (ii) A certificate in a form prescribed by the court that the student has read and agrees to abide by the rules of the court, all applicable codes of professional responsibility, and other relevant federal

practice rules; and

(iii) A notice of appearance in each case in which the student is participating or appearing as a law student intern. The notice shall be in the form prescribed by the court and shall be signed by the supervising attorney, the student intern, and the client or an authorized representative of the client;

(D) Be introduced to the court in which the student is appearing by an attorney admitted to practice in this court; and

(E) Receive the affirmative consent of the court for the student to appear before it.

(3) Restrictions. No law student admitted under these rules shall:

(A) Request or receive any compensation or remuneration of any kind directly from the client, but this restriction does not prevent the supervising attorney or the attorney's law firm, a law school, a public defender, or any agency of the government from paying compensation to the law student, nor prevent any firm or agency from making such charges for its services as it may otherwise properly require;

(B) Appear in court without the physical presence of the supervising attorney; or

(C) File any documents or papers with the court that the student has prepared which have not been read, approved, and signed by the supervising attorney and co-signed by the student.

(4) Notice. A supervising attorney who intends to use a student attorney pursuant to this rule in a contested matter shall notify the court and opposing counsel before the matter is scheduled to commence. Should the court conclude that the student attorney's participation would be inappropriate, the court will so 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 following graduation, (B) takes the examination and fails it, or (C) is admitted to full practice before this court. The dean of the student attorney's law school or the supervising attorney may withdraw the certification at any time by submitting a notice to that effect to the clerk. The notice need not state the cause for the withdrawal. A judge of this court also may terminate a student attorney's admission to limited practice at any time without notice or hearing or showing of cause.

(6) Supervising Attorney. Any person acting as a supervising attorney under

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this rule must be admitted to practice in this court and shall also:

- (A) Assume personal professional responsibility for the conduct of the student being supervised;
- (B) Co-sign all pleadings, papers and documents prepared by the student;
- (C) Advise the court of the student's participation in accordance with subparagraph (j)(4) of this rule, be physically present with the student at all times in court, and be prepared to supplement oral or written work of the student as requested by the court or as necessary to ensure proper representation of the client; and
- (D) Be available for consultation with the client.