

MEMORANDUM

TO: Oregon Law Student Appearance Certification Applicants

FR: Libby Davis, Associate Dean for Student Affairs

DT: November 4, 2016

RE: Process for Oregon Law Student Appearance Program (Court Certification)

Please carefully review the **Law Student Appearance Program** overview (pages 4-7). Then, complete the “Law Student Appearance Certification” form, found on page 2, and have your supervisor complete page 3. Deliver both forms, **the originals only** (no email or faxed copies will be accepted) to the Student Affairs Office.

Your application will be processed immediately and you will be notified by the State Court Administrator in approximately 10 days regarding the status of your certification.

Important: Lewis & Clark Law School will receive a letter from the State Court Administrator in Salem confirming approval of your Law Student Appearance application. Until you receive that notification you are not considered certified. The Student Affairs Office will notify you when the official letter arrives. You should provide a copy of your confirmation letter to your supervising attorney. If you do not receive confirmation within 10 days, please contact my assistant, Liz Hobbs at lhobbs@lclark.edu or 503-768-6648.

If you change supervising attorneys, you must have the new supervising attorney complete the Attorney’s certification request portion of the certification papers. You do not need to complete the student form for a second time. Please turn in the new supervising attorney form to the Student Affairs Office so we may keep it on file. As soon as we have the form you will be eligible to do appearances with the new supervisor.

LAW STUDENT APPEARANCE CERTIFICATION

Pursuant to paragraph 13.20 of the Oregon Law Student Appearance Rule, I hereby certify that I:

- (1) Have completed at least four semesters of full-time law study or the equivalent, which may include summer, evening, or externship courses (a minimum of 58 credits);
- (2) Have passed Regulation & Ethics of Law, Earthrise I & II, or the Multistate Professional Responsibility Exam (MPRE);
- (3) Have passed a course on Evidence; and
- (4) Agree that I will neither ask for nor receive any compensation or remuneration of any kind for my services directly from the client on whose behalf service is rendered.

I agree that I will comply with all requirements and limitations of the Oregon Law Student Appearance Rule (Supreme Court of the State of Oregon).

I further agree that I will notify the Law School Student Affairs Office upon termination of the relationship with my supervising attorney. I understand that my certification to practice, pursuant to paragraph 13.25, shall remain in effect for no longer than eighteen months after it is filed, or until the announcement of the results of the first bar examination following my graduation, whichever is earlier. Provided, if I pass the first bar examination after I graduate, my certification will continue in effect through the date of the first swearing-in ceremony following that examination.

Date: _____

Student: _____

Address: _____

_____ Zip _____

Student is already certified, requesting to

Phone (H): _____ (Wk) _____

change/ add attorney supervisor.

Email: _____

Student is applying for certification.

Signature _____

DEAN’S CERTIFICATION OF ELIGIBILITY TO PARTICIPATE IN LAW STUDENT APPEARANCE PROGRAM

I certify that: _____

- (1) Is duly enrolled in or has graduated from Lewis & Clark Law School, a law school approved by the American Bar Association;
- (2) Has completed legal studies amounting to at least four semesters of full-time law study or the equivalent;
- (3) Appears from all the information available to this law school to be of good character and is adequately trained to perform competently as a legal intern;
- (4) Has certified to me that he or she has taken and passed either the Multistate Professional Responsibility Examination (MPRE) or a course on professional responsibility; and
- (5) Has certified to me that he or she has taken and passed a course on evidence.

DATE

ASSOCIATE DEAN FOR STUDENT AFFAIRS

ATTORNEY'S CERTIFICATION REQUEST

To: Associate Dean Libby Davis
Lewis & Clark Law School
10015 SW Terwilliger Blvd
Portland, OR 97219

Re: Oregon Law Student Appearance Certification for: _____
Student's Name

In accordance with the rules governing the Oregon Supreme Court Law Student Appearance Rule and the Lewis & Clark Law School's rules governing certification of law students, I request that the above-named student be certified and permitted to participate in legal work under my supervision.

I am a member of the Oregon State Bar, presently in good standing.

By this request, I assure you that I will:

1. Comply with all conditions of the Law Student Appearance Rule (Supreme Court of the State of Oregon), Rules for Admission of Attorneys, Rule 13.05 et seq.);
2. Confirm that the student has been certified to appear by the State Court Administrator.
3. Assume personal professional responsibility for the student's guidance in any work undertaken and for supervising the quality of the student's work;
4. Discuss each type of court appearance with the student prior to the student's appearance to ensure proper preparation; require the student to observe at least one similar proceeding or equivalent preparation prior to the student's appearance; ensure that the proper written consents are filed with the appropriate courts or tribunals; introduce the student to the court or tribunal in which the student appears; and observe the student's first court appearance;
5. Discuss and evaluate the student's work to maximize the student's educational benefit;
6. Notify the Law School (Associate Dean's office) when I will no longer be responsible for the student's supervision.

ATTORNEY: _____
(Signature)

DATE: _____

Name (Printed)

OSB Number

Firm or Agency Name

Phone Number

Street Address

Email Address

City State Zip Code

Oregon Law Student Appearance Program Overview

Law students who meet the basic requirements defined by the Oregon Supreme Court and the Lewis & Clark Law School may be certified by the State Court Administrator to make limited appearances in Oregon courts. Students may also be certified to appear in the federal courts on a limited basis. Any student wishing to be certified must meet the requirements laid out in the Law School's rules (see below) and the Oregon Supreme Court rules (see below). Once the forms contained in this packet have been submitted, the certification process takes about a week to complete.

Students may be provisionally certified once the required number of credit hours are completed, even though grades have not been turned in for the course work. If, upon receipt of grades, a student is not in good standing, or has failed evidence, the certification may be revoked by the Law School. The Law School may also revoke the certification as noted below.

Lewis & Clark Law School Student Certification Rules

- A. A student must meet the following requirements:
1. Be enrolled at the Law School and be in good academic standing (not on probation);
 2. Completed 58 credit hours of legal studies;
 3. Passed Evidence;
 4. Passed Regulation & Ethics of Law, Earthrise I & II, or the Multistate Professional Responsibility Exam (MPRE); and
 5. Agree to comply with all the conditions and limitations imposed by the Oregon Law Student Appearance Program.
- B. To be approved as a supervising attorney under the Law Student Appearance Rule, an attorney must:
1. Be a member in good standing of the Oregon State Bar;
 2. Sign a statement submitted to the Dean of the Law School or to the Deans designate administering the program affirming that the attorney will:
 - a. Comply with all conditions of the rules governing law student appearances;
 - b. Discuss and evaluate the student's work in a manner that will maximize the educational benefit to the student;
 - c. For student appearances in court:
 - (i) Discuss the appearance in full beforehand with the student to assure adequate preparation;
 - (ii) Require that the student observe an attorney making at least one similar type of appearance in court or equivalent preparation prior to the student's appearance;
 - (iii) See that both the written consent of the client and the attorney's approval required by Rule 13.10(6) of the Oregon Supreme Court rules governing law student appearances are filed in the record of the case; and
 - (iv) Introduce the student to the court or tribunal in which he or she is to appear and observe the student's first court appearance; and
 - d. Notify the Associate Dean or designate administering the certification program when the attorney will no longer be responsible for the student's supervision; however, attorneys who are supervising students enrolled in a law school course are excepted from this notification requirement.
- C. Upon the termination of the relationship for which the certification is granted, or at any other time the Associate Dean of the Law School shall deem necessary, the Associate Dean or his/her agent may withdraw the certification of the student.

Supreme Court of the State of Oregon
Rules Regulating Admission to Practice Law in Oregon

LAW STUDENT APPEARANCE PROGRAM

13.05 Purpose of Law Student Appearance Program

The bench and the bar are primarily responsible for providing competent legal services for all persons, including those unable to pay reasonable fees for these services. As one means to develop trial and appellate advocacy skills and to encourage law schools to provide clinical instruction in trial and appellate work, Rules 13.05 to 13.30 are adopted. Nothing contained in these rules shall affect the right of any person who is not admitted to the practice of law to do anything that the person might lawfully have done prior to the adoption of these rules.

13.10 Appearances and Activities of Eligible Law Student

(1) An eligible law student may appear before any court or before any administrative tribunal in this state in accordance with this rule. As used herein, "appear" or "appearance" means personal appearance before a court or an administrative tribunal.

(2) The law student shall at all times be subject to the supervision of a member of the Oregon State Bar, except as provided in subparagraph (3) of this rule.

(3) Subject to the client's approval as hereinafter provided, an eligible law student may appear for a client, with or without the supervising attorney being present, except as hereinafter provided. The extent of the law student's participation shall be determined by the supervising attorney, giving due consideration to the nature of the case, the ability and experience of the student and the complexity of the factual and legal issues involved.

(4) Except as provided for in subparagraph (5) of this rule, no law student shall appear without the supervising attorney in (a) any criminal case in which the defendant may be subject to a felony conviction, (b) any juvenile case where the act committed by the juvenile if committed by an adult would have been considered a felony or (c) in any commitment proceedings.

(5) An eligible law student may appear in any civil or criminal matter, on behalf of the state or any other governmental body, with the written consent of the supervising attorney of the state agency or governmental body.

(6) No law student shall appear until the client, the supervising attorney and the judge of the court or the presiding officer of the tribunal have consented to such appearance. The supervising attorney shall be responsible for explaining to the client the nature and extent of the law student's participation and for obtaining the client's consent to such participation. The client's consent shall be in writing and filed with the court or tribunal and become part of the record of the case.

13.15 Other Activities of Eligible Law Student

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

(a) 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 attorney;

(b) Preparation of briefs, abstracts and other documents to be filed in the appellate courts of this state; but such documents must be signed by the supervising attorney;

(c) Assistance to indigent inmates of correctional institutions or other persons convicted of crimes who request such assistance in preparing habeas corpus applications and supporting documents for post-conviction relief, except when the assignment of counsel in the matter is required by any constitutional provision, statute or rule of the Court;

provided that if there is an attorney of record in the matter, all such assistance must be supervised both by the supervising attorney and the attorney of record, and all documents submitted to the court on behalf of such client must be signed by the attorney of record.

(2) Each document or pleading prepared under subparagraph (1) of this rule must contain the name of the eligible law student who has participated in drafting it. If the student participated in drafting only a portion of it that fact may be mentioned.

(3) An eligible law student may participate in oral argument in appellate courts, but only in the presence of the supervising attorney.

13.20 Requirements and Limitations

(1) To be eligible for certification pursuant to these rules, a law student must:

(a) Be duly enrolled in or have graduated from a law school approved by the American Bar Association;

(b) Have completed legal studies amounting to at least four semesters of full-time law study or the equivalent, which may include summer, night or externship courses;

(c) Be of good character and be adequately trained to perform competently as a legal intern;

(d) Certify in writing to the dean of the law school that the student has taken and passed either the Multistate Professional Responsibility Examination (MPRE) or a course on professional responsibility;

(e) Certify in writing to the dean of the law school that the student has taken and passed a course on evidence; and

(f) Cause the dean of the student's law school to certify that the student is eligible under subsections (a), (b), (c), (d) and (e) substantially in the form set forth in Appendix A.

(2) A certified law student shall neither ask for nor receive any compensation or remuneration of any kind for the student's services directly from the client on whose behalf service is rendered; but an attorney, legal aid organization, law school, public defender or any governmental body may pay compensation to the eligible law student as an employee, and the employer may charge for the student's services.

The certified law student's supervising attorney shall introduce the law student to the court or tribunal in which the student is to appear.

13.25 Certification Procedure

The certification of a student by the law school dean:

(1) Shall be filed with the State Court Administrator and, unless it is withdrawn sooner, shall remain in effect until the expiration of the earlier of (a) eighteen months after it is filed or (b) the announcement of the results of the first bar examination following the student's graduation, provided, for any student who passes that examination, the certification shall continue in effect through the date of the first swearing-in ceremony following the examination.

(2) May be withdrawn by the dean at any time by mailing a notice to that effect to the State Court Administrator. It is not necessary that the notice state the cause for withdrawal.

(3) May be terminated by the Court at any time without notice or hearing and without any showing of cause. Notice of the termination shall be filed with the State Court Administrator.

13.30 Supervision

The member of the bar under whose supervision an eligible law student does any of the things permitted by these rules shall assume personal professional responsibility for the student's guidance in any work undertaken and for supervising the quality of the student's work. The supervising attorney shall assist the student's analysis, preparation and performance to the extent the supervising attorney considers appropriate, giving at all times consideration to the interests of the client.