

RULE 5 | STUDENT PRACTICE

(a) Purpose. The following Rule for Student Practice is designed to encourage law schools to provide clinical instructions in litigation of varying kinds, and thereby enhance the competence of lawyers in practice before the United States courts.

(b) Student Requirements. An eligible student must:

- (1) be duly enrolled in a law school;
- (2) have completed at least four semesters of legal studies or the equivalent;
- (3) have knowledge of the Federal Rules of Civil and Criminal Procedure and of Evidence, and the Code of Professional Responsibility;
- (4) be enrolled for credit in a law school clinical program which has been certified by the Court;
- (5) 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 (1)–(4) above, to fulfill his or her other responsibilities as a legal intern to both his or her client and the Court;
- (6) be certified by the Court to practice pursuant to this Rule;
- (7) neither ask for nor receive any compensation or remuneration of any kind for the student's services from the person on whose behalf the student renders services, but this shall not prevent a lawyer, legal aid bureau, law school, public defender agency, or the state from paying compensation to the eligible law student (nor shall it prevent any agency from making such charges for its services as it may otherwise properly require).

(c) Program Requirements. The program:

- (1) must be a law school clinical practice program for credit, in which a law student obtains academic and practice advocacy training, under supervision of qualified attorneys including federal or state government attorneys or private practitioners;



- (2) must be certified by the Court;
- (3) must be conducted in such a manner as not to conflict with normal Court schedules;
- (4) must be under the direction of a member or members of the regular or adjunct faculty of the law school;
- (5) must arrange for the designation and maintenance of an office in this District to which may be sent all notices which 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.

(d) Supervisor Requirements. A supervising attorney must:

- (1) be a lawyer whose service as a supervising attorney for this program is approved by the dean of the law school in which the law student is enrolled and who is a member of The Florida Bar in good standing;
- (2) be a member in good standing of the bar of this Court;
- (3) be certified by the Court as a student supervisor;
- (4) be present with the student when required by the Court;
- (5) co-sign all pleadings or other documents filed with this Court;
- (6) assume full personal professional responsibility for a student's guidance in any work undertaken and for the quality of a student's work, and be available for consultation with represented clients;
- (7) assist the student in his preparation to the extent the supervising attorney considers it necessary.

(e) Certification of Student, Program and Supervising Attorneys.

(1) *Students.*

(A) Certification by the law school dean or his designee, if said certification is approved by the Court, shall be filed with the Clerk of the Court, and served upon all parties, and unless it is sooner



withdrawn, shall remain in effect until the expiration of eighteen months;

(B) 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.

(2) *Program.*

(A) Certification of a program by the Court shall be filed with the Clerk of the Court 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.

(3) *Supervising Attorney.*

(A) Certification of a supervising attorney by the law school dean, 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 by the Court;

(B) 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;

(C) Certification of a supervising attorney may be withdrawn by the dean at any time by mailing of notice to that effect to the Clerk of the Court;

(D) Any Judge of this Court retains the authority to withdraw or limit a supervising attorney's participation in any individual case before the Judge.

(f) Activities.

(1) An eligible law student may participate in proceedings in open court in the Bankruptcy Court on behalf of any indigent person if the person on whose



behalf the student is appearing has indicated in writing their consent to that appearance and the supervising attorney has also indicated in writing approval of that appearance. The written consent and approval shall be filed in the record of the case, served upon all parties, and shall be brought to the attention of the Judge.

(2) The Board of Governors of The Florida Bar shall fix the standards by which indigency is determined under this Rule upon the recommendation of the largest voluntary bar association located in the state judicial circuit in which this program is implemented.

(3) 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:

(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 appellate courts, but such documents must be signed by the supervising attorney;

(C) 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. If there is an attorney of record in the matter, all such assistance must be supervised by the attorney of record, and all documents submitted to the Court on behalf of such a client must be signed by the attorney of record;

(D) each document or pleading 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.

(g) Court Administration. The Chief Judge¹, or one or more members of the Court appointed by the Chief Judge, shall act on behalf of the Court in connection with any function of this Court under this Rule. The Ad Hoc Committee on Attorney Admissions, Peer Review and Attorney Grievance shall assist the Court to administer this Rule including the review of applications and continuing eligibility for certification of programs, supervising attorneys, and students.

Effective December 1, 1994. Amended effective April 15, 1996; April 15, 2002; April 15, 2007; April 15, 2010; December 1, 2015; December 1, 2017; December 2, 2019; December 1, 2020.

¹ In these Rules, references to the Chief Judge shall mean to the Chief Judge or the Chief Judge's designee.

