Procedure for Obtaining Third-Year Practice Certification

Certification under the Third-Year Practice Rule allows Elon Law students to gain practical experience, including appearing in court, under the supervision of a licensed North Carolina attorney. Students interested in this certification should read the following information carefully and follow the procedures outlined.

Who should be interested in third-year practice certification?

Students enrolled in the law school’s clinic courses and externships (contact the clinic and externship directors for details), as well as students engaged in internships with government agencies, Legal Aid, or other employers who provide pro bono or indigent legal services.

What rule governs the third-year practice certification process?

The North Carolina State Bar issues the third-year practice certifications. The certification process is detailed in the North Carolina State Bar Rules Governing Practical Training of Law Students, Subchapter C, Sections .0200 through .0207. These rules are included in this packet, and students should familiarize themselves with these rules. Students may also want to provide these rules to their supervising attorney.

Who is eligible for third-year practice certification?

Elon Law students who have completed at least three semesters and are in good standing.

What types of legal representation or services are covered under third-year practice certification?

Certification allows students to represent indigent clients, the state in criminal prosecutions, a criminal defendant represented by the public defender, and government agencies, under the supervision of a licensed North Carolina attorney. Potential employers include government agencies and non-profits such as Legal Aid, the Public Defender’s Office, the District Attorney’s Office, and the Attorney General’s Office. It is our understanding that students working with private law firms are also eligible for certification, but their certification extends only to pro bono matters. If a student or supervising attorney has questions about the scope of the representation allowed under the certification, they should consult the attached rules and/or contact the North Carolina State Bar.

What is the process for obtaining certification?


2. Complete the two (2) State Bar forms and submit them to the Registrar. (Forms attached.)

3. Have your supervising attorney prepare a letter to the North Carolina State Bar. (Sample letter attached.) While the attorney may send this letter directly to the State Bar, it is preferable for the attorney to send the letter to the law school, so it and the other forms can all be sent to the State Bar at one time. The letter can be sent to the law school Registrar, Tammy Horn, at thorn@elon.edu, fax: 336-279-8199, or by mail: 201 N. Greene Street, Greensboro, NC 27401.

4. After the law school sends the forms and attorney letter to the State Bar, the student will receive a certification letter from the State Bar. NOTE: A student is not certified under the Rules until he or she receives notification from the State Bar.

The forms mentioned above are available on the Registrar’s webpage or in the Registrar’s Office. For assistance with the certification process, please contact the law school Registrar, Tammy Horn.
NORTH CAROLINA STATE BAR
CERTIFICATION REGARDING THE REVISED RULES OF
PROFESSIONAL CONDUCT
Rules Governing the Practical Training of Law Students
27 N.C.A.C. IC, Rule .0203

I, __________________________________________, certify as follows:

(Print Name)

I am a student regularly enrolled and in good standing at Elon University School of Law. I have satisfactorily completed the equivalent of three semesters of the requirements for a first professional degree in law (J.D. or its equivalent). I have read and am familiar with the Revised Rules of Professional Conduct of the North Carolina State Bar and the opinions interpretative thereof.

________________________________________  __________________________________
(Signature)                                (Date)

Address: __________________________________
          __________________________________
          __________________________________

Return form to:
Dottie Miani
N.C. State Bar
Post Office Box 25908
Raleigh, NC 27611
NORTH CAROLINA STATE BAR
PRACTICAL TRAINING OF LAW STUDENTS PROGRAM

LAW SCHOOL CERTIFICATION

Rules Governing the Practical Training of Law Students
27 N.C.A.C. IC, Rule .0200

Application of: ____________________________

(Student's Name)

______________________________

(Street Address)

______________________________

(City, State & Zip)

The undersigned certifies as follows:

______________________________ is duly enrolled at Elon University

(Print Student’s Name)

School of Law, is in good standing in said law school, and has satisfactorily completed the equivalent of three semesters of the requirements for a first professional degree in law (J.D. or its equivalent). The law student is also of good character with the requisite legal ability and training to perform as a legal intern pursuant to the Rules Governing the Practical Training of Law Students. I am authorized by the dean of said law school to provide this certification.

______________________________          ______________________________

(Signature)                           (Date)

Tammy D. Horn

(Print Name)

Registrar

(Title)

Elon University School of Law

(School)

201 North Greene Street              Greensboro, NC 27401

(Address)
Sample Supervising Attorney Letter for Third-Year Practice Certification

[AGENCY/FIRM LETTERHEAD]

[DATE]

Mr. Tom Lunsford, Executive Director
North Carolina State Bar
Post Office Box 25908
Raleigh, NC 27611

RE: Application of ______________________ for Certification Pursuant to the Rules Governing the Practical Training of Law Students

Dear Mr. Lunsford:

Please take notice that during the period commencing ____________________________, 20__, and ending ____________________________, 20__, I will provide adequate supervision of the above applicant, ______________________, in accordance with the North Carolina Rules Governing the Practical Training of Law Students. ______________________ is a student at Elon University School of Law.

In the event that my supervision of ______________________ should cease prior to ______________________, 20__, I will promptly notify you of that fact.

Yours truly,

__________________________
Supervising Attorney
SUBCHAPTER C

Rules Governing the Board of Law Examiners and the Training of Law Students

Section .0200 Rules Governing Practical Training of Law Students

.0202 Definitions

The following definitions shall apply to the terms used in this section:

(1) Eligible persons - Persons who are unable financially to pay for the legal services of an attorney, as determined by a standard established by a judge of the General Court of Justice; a legal services corporation, or a law school legal aid clinic providing representation. "Eligible persons" includes non-profit organizations serving low-income communities.

(2) Government agencies - The federal or state government, any local government, or any agency, department, unit, or other entity of federal, state, or local government, specifically including a public defenders office or a district attorney's office.

(3) Law school - An ABA accredited law school or a law school actively seeking accreditation from the ABA and licensed by the Board of Governors of the University of North Carolina. If ABA accreditation is not obtained by a law school so licensed within three years of the commencement of classes, legal interns may not practice, pursuant to these rules, with any legal aid clinic of the law school.

(4) Legal aid clinic - A department, division, program, or course in a law school that operates under the supervision of an active member of the State Bar and renders legal services to eligible persons.

(5) Legal intern - A law student who is certified to provide supervised representation to clients under the provisions of the rules of this Subchapter.

(6) Legal services corporation - A nonprofit North Carolina corporation organized exclusively to provide representation to eligible persons.

(7) Supervising attorney - An active member of the North Carolina State Bar who satisfies the requirements of Rule .0205 of this Subchapter and who supervises one or more legal interns.

History Note: Statutory Authority G.S. 84-23

Readopted Effective December 8, 1994

Amended June 7, 2001; March 6, 2002; March 6, 2008
SUBCHAPTER C

Rules Governing the Board of Law Examiners and the Training of Law Students

Section .0200 Rules Governing Practical Training of Law Students

.0203 Eligibility

To engage in activities permitted by these rules, a law student must satisfy the following requirements:

(1) be enrolled in a law school approved by the Council of the North Carolina State Bar;

(2) have completed at least three semesters of the requirements for a professional degree in law (J.D. or its equivalent);

(3) be certified in writing by a representative of his or her law school, authorized by the dean of the law school to provide such certification, as being of good character with requisite legal ability and training to perform as a legal intern;

(4) be introduced to the court in which he or she is appearing by an attorney admitted to practice in that court;

(5) neither ask for nor receive any compensation or remuneration of any kind from any client for whom he or she renders services, but this shall not prevent an attorney, legal services corporation, law school, or government agency from paying compensation to the law student or charging or collecting a fee for legal services performed by such law student;

(6) certify in writing that he or she has read and is familiar with the North Carolina Revised Rules of Professional Conduct and the opinions interpretive thereof.

History Note: Statutory Authority G.S. 84-23

Readopted Effective December 8, 1994

Amended June 7, 2001; March 6, 2008
SUBCHAPTER C

Rules Governing the Board of Law Examiners and the Training of Law Students

Section .0200 Rules Governing Practical Training of Law Students

.0204 Certification as Legal Intern

Upon receipt of the written materials required by Rule .0203(3) and (6) and Rule .0205(6), the North Carolina State Bar shall certify that the law student may serve as a legal intern. The certification shall be subject to the following limitations:

(a) Duration. The certification shall be effective for 18 months or until the announcement of the results of the first bar examination following the legal intern's graduation whichever is earlier. If the legal intern passes the bar examination, the certification shall remain in effect until the legal intern is sworn-in by a court and admitted to the bar.

(b) Withdrawal of Certification. The certification shall be withdrawn by the State Bar, without hearing or a showing of cause, upon receipt of

(1) notice from a representative of the legal intern's law school, authorized to act by the dean of the law school, that the legal intern has not graduated but is no longer enrolled;

(2) notice from a representative of the legal intern's law school, authorized to act by the dean of the law school, that the legal intern is no longer in good standing at the law school;

(3) notice from a supervising attorney that the supervising attorney is no longer supervising the legal intern and that no other qualified attorney has assumed the supervision of the legal intern; or

(4) notice from a judge before whom the legal intern has appeared that the certification should be withdrawn.

History Note: Statutory Authority G.S. 84-23

Readopted Effective December 8, 1994

Amended June 7, 2001

THE NORTH CAROLINA STATE BAR
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SUBCHAPTER C

Rules Governing the Board of Law Examiners and the Training of Law Students

Section .0200 Rules Governing Practical Training of Law Students

.0205 Supervision

(a) A supervising attorney shall

(1) be an active member of the North Carolina State Bar who has practiced law as a full-time occupation for at least two years;

(2) supervise no more than two legal interns concurrently, provided, however, there is no limit on the number of legal interns who may be supervised concurrently by an attorney who is a full-time member of a law school's faculty or staff whose primary responsibility is supervising legal interns in a legal aid clinic and, further provided, that an attorney who supervises legal interns through an externship or outplacement program of a law school legal aid clinic may supervise up to five legal interns;

(3) assume personal professional responsibility for any work undertaken by a legal intern while under his or her supervision;

(4) assist and counsel with a legal intern in the activities permitted by these rules and review such activities with the legal intern, all to the extent required for the proper practical training of the legal intern and the protection of the client;

(5) read, approve and personally sign any pleadings or other papers prepared by a legal intern prior to the filing thereof, and read and approve any documents prepared by a legal intern for execution by a client or third party prior to the execution thereof;

(6) prior to commencing the supervision, assume responsibility for supervising a legal intern by filing with the North Carolina State Bar a signed notice setting forth the period during which supervising attorney expects to supervise the activities of an identified legal intern, and that the supervising attorney will adequately supervise the legal intern in accordance with these rules; and

(7) notify the North Carolina State Bar in writing promptly whenever the supervision of a legal intern ceases.

History Note: Statutory Authority G.S. 84-23

Readopted Effective December 8, 1994

Amended June 7, 2001; March 6, 2002; March 6, 2008
SUBCHAPTER C

Rules Governing the Board of Law Examiners and the Training of Law Students

Section .0200 Rules Governing Practical Training of Law Students

.0206 Activities

(a) A properly certified legal intern may engage in the activities provided in this rule under the supervision of an attorney qualified and acting in accordance with the provisions of Rule .0205 of this subchapter.

(b) Without the presence of the supervising attorney, a legal intern may give advice to a client, including a government agency, on legal matters provided that the legal intern gives a clear prior explanation that the legal intern is not an attorney and the supervising attorney has given the legal intern permission to render legal advice in the subject area involved.

(c) A legal intern may represent an eligible person, the state in criminal prosecutions, a criminal defendant who is represented by the public defender, or a government agency in any proceeding before a federal, state, or local tribunal, including an administrative agency, if prior consent is obtained from the tribunal or agency upon application of the supervising attorney. Each appearance before the tribunal or agency shall be subject to any limitations imposed by the tribunal or agency including, but not limited to, the requirement that the supervising attorney physically accompany the legal intern.

(d) In all cases under this rule in which a legal intern makes an appearance before a tribunal or agency on behalf of a client who is an individual, the legal intern shall have the written consent in advance of the client. The client shall be given a clear explanation, prior to the giving of his or her consent, that the legal intern is not an attorney. This consent shall be filed with the tribunal and made a part of the record in the case. In all cases in which a legal intern makes an appearance before a tribunal or agency on behalf of a government agency, the consent of the government agency shall be presumed if the legal intern is participating in an internship program of the government agency. A statement advising the court of the legal intern’s participation in an internship program of the government agency shall be filed with the tribunal and made a part of the record in the case.

(e) In all cases under this rule in which a legal intern is permitted to make an appearance before a tribunal or agency, subject to any limitations imposed by the tribunal, the legal intern may engage in all activities appropriate to the representation of the client, including, without limitation, selection of and argument to the jury, examination and cross-examination of witnesses, motions and arguments thereon, and giving notice of appeal.

History Note: Statutory Authority G.S. 84-23
Readopted Effective December 8, 1994
Amended June 7, 2001; March 6, 2002; March 6, 2008
SUBCHAPTER C

Rules Governing the Board of Law Examiners and the Training of Law Students

Section .0200 Rules Governing Practical Training of Law Students

.0207 Use of Student's Name

(a) A legal intern's name may properly

(1) be printed or typed on briefs, pleadings, and other similar documents on which the legal intern has worked with or under the direction of the supervising attorney, provided the legal intern is clearly identified as a legal intern certified under these rules, and provided further that the legal intern shall not sign his or her name to such briefs, pleadings, or other similar documents;

(2) be signed to letters written on the letterhead of the supervising attorney, legal aid clinic, or government agency, provided there appears below the legal intern's signature a clear identification that the legal intern is certified under these rules. An appropriate designation is "Certified Legal Intern under the Supervision of [supervising attorney]."

(b) A student's name may not appear

(1) on the letterhead of a supervising attorney, legal aid clinic, or government agency;

(2) on a business card bearing the name of a supervising attorney, legal aid clinic, or government agency; or

(3) on a business card identifying the legal intern as certified under these rules.

History Note: Statutory Authority G.S. 84-23

Readopted Effective December 8, 1994

Amended June 7, 2001; March 6, 2008