


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

IN RE: AMENDMENT OF THIRD-YEAR PRACTICE RULE

NOV 09 2015

JULIA R. DUDLEY, CLERK
BY:  DEPUTY CLERK

STANDING ORDER NO. 2015-6

The Third-Year Practice Rule, adopted by Order entered July 10, 1974 and amended on July 10, 2006, is hereby amended as follows:

It is further ORDERED that there be filed in the Clerk's Office of each division a copy of said plan, and this rule shall be spread upon the records of the Court at Abingdon, Big Stone Gap, Charlottesville, Danville, Harrisonburg, Lynchburg and Roanoke, Virginia, and that a copy hereof be furnished by the Clerk to the Fourth Circuit Court of Appeals and to the Director of the Administrative Office of the United States Courts.

II. Requirements and Limitations.

- A. Be duly enrolled and in good standing in a law school approved by the American Bar Association or the Virginia Board of Bar Examiners.
 - B. Have completed legal studies amounting to at least four semesters, or the equivalent if the school is on some basis other than a semester basis.
- *****
- D. Certify in writing that he has read and is familiar with the Virginia Code of Professional Responsibility.
 - E. Be introduced to the court in which he is appearing by an attorney admitted to practice in this court who, prior to the introduction, shall have filed with the court a motion, the certifications required in this Rule, and a proposed order asking for the third-year law student to be permitted to practice.
 - F. Receive written authorization by the judge before whom the student will primarily appear.
 - G. Neither ask for nor receive any compensation or remuneration of any kind for his services from the person on whose behalf he 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 charges for its services as it may otherwise properly require.

A revised Plan, incorporating the above changes as well as the amendment dated July 10, 2006, is hereby substituted for the Plan dated July 10, 1974, and made a part of the Standing Orders of this Court.

It is so **ORDERED**.

FOR THE COURT:

ENTERED: November 9, 2015



Glen E. Conrad

Chief United States District Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA**

THIRD YEAR PRACTICE RULE

An eligible law student qualifying pursuant to Paragraph II of the Plan for Third-Year Practice filed in each division of this Court is herewith given leave to participate in any civil or criminal case pursuant to said plan and as said plan may, from time to time, be amended.

It is further ORDERED that there be filed in the Clerk's Office of each division a copy of said plan, and this rule shall be spread upon the records of the Court at Abingdon, Big Stone Gap, Charlottesville, Danville, Harrisonburg, Lynchburg and Roanoke, Virginia, and that a copy hereof be furnished by the Clerk to the Fourth Circuit Court of Appeals and to the Director of the Administrative Office of the United States Courts.

ENTER: This 9th day of November, 2015.



Glen E. Conrad,
Chief U.S. District Judge

Plan for Third Year Practice Rule

I. Activities.

- A. An eligible law student may appear before the judges, magistrates, and referees in this Court on behalf of any person if the person on whose behalf he is appearing has indicated in writing his consent to that appearance and the supervising lawyer, who must be counsel of record for the person on whose behalf the law student is appearing, has also indicated in writing approval of that appearance in the following matters:
 1. Any civil or criminal matter.
- B. Any eligible law student may appear in any civil or criminal matter on behalf of the Government with the written approval of the United States Attorney or his authorized representative as the supervising lawyer.
- C. In all matters before the judges, magistrates or referees, the supervising lawyer must personally present unless permission to the contra is granted by the court.

II. Requirements and Limitations.

In order to make an appearance pursuant to this rule, the law student must:

- A. Be duly enrolled and in good standing in a law school approved by the American Bar Association or the Virginia Board of Bar Examiners.
- B. Have completed legal studies amounting to at least four semesters, or the equivalent if the school is on some basis other than a semester basis.
- C. Be certified by the dean of his law school as being of good character and competent legal ability, and as being adequately trained to perform as a legal intern.
- D. Certify in writing that he has read and is familiar with the Virginia Code of Professional Responsibility.
- E. Be introduced to the court in which he is appearing by an attorney admitted to practice in this court who, prior to the introduction, shall have filed with the court a motion, the certifications required in this Rule, and a proposed order asking for the third-year law student to be permitted to practice.
- F. Receive written authorization by the judge before whom the student will primarily appear.
- G. Neither ask for nor receive any compensation or remuneration of any kind for his services from the person on whose behalf he 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 charges for its services as it may otherwise properly require.

III. Certification.

The certificate of a student by the law school dean:

- A. Shall be filed with the Clerk of this Court and, unless it is sooner withdrawn, it shall remain in effect until the expiration of eighteen (18) months after it is filed, or until the announcement of the results of the first bar examination following the student's graduation, whichever is earlier. For any student who passes the examination or who is admitted to the bar without taking an examination, the certification shall continue in effect until the date he is admitted to the bar.
- B. May be withdrawn by the dean at any time by mailing a notice to that effect to the Clerk of this Court. It is not necessary that the notice state the cause of withdrawal.
- C. May be terminated by this Court at any time without notice or hearing and without showing any cause.

IV. Other Activities.

- A. 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:
1. 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 lawyer.
 2. Preparation of briefs, abstracts and other documents to be filed, but such documents must be signed by the supervising lawyer.
 3. 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, and all documents submitted to the Court on behalf of such a client must be signed by the attorney of record.
 4. Each document or pleading must contain the name of the eligible law student who has participated in drafting it. If he participated in drafting only a portion of it, that fact may be mentioned.
- B. Nothing contained herein shall be construed to permit the law student to participate in the taking of depositions in the absence of his supervising attorney.

V. Supervision.

The member of the bar under whose supervision an eligible law student does any of the things permitted by this rule shall:

- A. Be a lawyer whose service as a supervising lawyer for this program is approved by a Judge of this court. Such approval may be given upon application of any attorney who is a member of the bar of this court. Such approval may be given by a judge of this court by formally or informally advising the Clerk of such approval. No approval shall be granted, however, unless and until approval of the dean of the law school in which the law student is enrolled is also obtained.
- B. Assume personal professional responsibility for the student's guidance in any work undertaken and for supervising the quality of the student's work.
- C. Assist the student in his preparation to the extent the supervising lawyer considers it necessary.

D. Agree to notify the dean of the appropriate law school of any alleged failure on the part of the student to abide by the letter and spirit of the order.

E. The Clerk of the Court shall maintain a roll of approved law students and supervising attorneys.

VI. Miscellaneous.

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