

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

**ORDER ADOPTING PLAN FOR THIRD
YEAR PRACTICE RULE**

It is ORDERED that the following rule be, and the same is hereby, adopted to take effect fifteen (15) days after the entry hereof:

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 Charlottesville, Danville, Harrisonburg, Lynchburg, Roanoke and Abingdon, Virginia, and that copies hereof be furnished by the Clerk to the Supreme Court of the United States, the Director of the Administrative Office of the United States Courts, and to the deans of all law schools within the State of Virginia approved by the American Bar Association.

ENTER: This 10th day of July, 1974.

/s/ James C. Turk
U. S. DISTRICT JUDGE

/s/ Ted Dalton
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 in this State in a law school approved by the American Bar Association.
- B. Have completed legal studies amounting to at least four (4) 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. Be introduced to the court in which he is appearing by an attorney admitted to practice in same.
- E. 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.
- F. Certify in writing that he has read and is familiar with Canons of Professional Ethics of the American Bar Association.

III. 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, 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 for 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 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.
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 this 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.