

North Carolina Student Practice Rule as of April 2021

<https://www.ncbar.gov/for-lawyers/governing-rules-of-the-state-bar/0202-definitions.>

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

(a) Clinical legal education program – Experiential educational program that engages students in “real world” legal matters through supervised practice experience. Under the supervision of a faculty member or site supervisor who is accountable to the law school, students assume the role of a lawyer either as a protégé, lead counsel, or a member of a lawyer team.

(b) Eligible persons - Persons who are unable financially to pay for legal advice or services as determined by a standard established by a judge of the General Court of Justice, a legal services organization, government entity, or a clinical legal education program. “Eligible persons” may include minors who are not financially independent; students enrolled in secondary and higher education schools who are not financially independent; non-profit organizations serving low-income communities; and other organizations financially unable to pay for legal advice or services.

(c) Certified law student - A law student who is certified to work in conjunction with a supervising attorney to provide legal services to clients under the provisions of this subchapter.

(d) 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 defender's office or a district attorney's office.

(e) 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.

(f) Law school clinic - Courses within a law school’s clinical legal education program that place students in a legal practice setting operated by the law school. Students in a law school clinic assume the role of a lawyer representing actual clients or performing other lawyering roles. Supervision of students is provided by faculty employed by the law school (full-time, part-time, adjunct) who are active members of the North Carolina State Bar or another bar as appropriate for the legal matters undertaken.

(g) Legal services organization - A nonprofit North Carolina organization organized to operate in accordance with N.C. Gen. Stat. § 84-5.1.

(h) Pro bono activity - An opportunity while in law school for students to provide legal services to those unable to pay, or otherwise under a disability or disadvantage, consistent with the objectives of Rule 6.1 of the Rules of Professional Conduct.

(i) Rules of Professional Conduct - The Rules of Professional Conduct adopted by the Council of the North Carolina State Bar, approved by the North Carolina Supreme Court, and in effect at the time of application of the rules in this subchapter.

(j) Site supervisor - The attorney at a student practice placement who assumes administrative responsibility for the certified law student program at the placement and provides the statements to the State Bar and the certified law student's law school required by Rule .0205(b) of this subchapter. A site supervisor may also be a supervising attorney at a student practice placement.

(1) Externship - A course within a law school's clinical legal education program in which the law school places the student in a legal practice setting external to the law school. An externship may include placement at a government agency.

(2) Government internship - A practical training opportunity in which the student is placed in a government agency and no law school credit is earned. A government internship may be facilitated by the student's law school or obtained by the student independently.

(3) Internship - A practical training opportunity in which the student is placed in a legal practice setting external to the law school and no law school credit is earned. An internship may be facilitated by the student's law school or obtained by the student independently.

(k) Supervising attorney - An active member of the North Carolina State Bar, or an attorney who is licensed in another jurisdiction as appropriate for the legal work to be undertaken, who has practiced law as a full-time occupation for at least two years, and who supervises one or more certified law students pursuant to the requirements of the rules in this subchapter.

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

Readopted Effective December 8, 1994

Amendments Approved by the Supreme Court: June 7, 2001; March 6, 2002; March 6, 2008; September 25, 2019; April 21, 2021

<https://www.ncbar.gov/for-lawyers/governing-rules-of-the-state-bar/0203-eligibility>.

0203 ELIGIBILITY

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

(a) be enrolled as a J.D. or LL.M. student in a law school approved by the Council of the North Carolina State Bar;

(b) 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 legal education to perform as a certified law student, which education shall include satisfaction of the prerequisites for participation in the clinic, externship, or other student practice placement; *

(c) be introduced by an attorney admitted to practice in the tribunal or agency to every judicial official who will preside over a matter in which the student will appear, and, pursuant to Rule .0206(c) of this subchapter, obtain the tribunal's or agency's consent to appear subject to any limitations imposed by the presiding judicial official; such introductions do not have to occur in open court and the consent of the judicial official may be oral or written;

(d) neither ask for nor receive any compensation or remuneration of any kind from any eligible person to whom he or she renders services, but this shall not prevent an attorney, legal services organization, 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; and

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

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

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Amendments Approved by the Supreme Court: June 7, 2001; March 6, 2008; September 25, 2019; April 21, 2021

Please also note the following:

* Students who have successfully completed Professional Responsibility and Evidence (for students seeking enrollment in the Small Business & Entrepreneurship Clinic (SBEC) Professional Responsibility and Business Associations) and are in good academic standing are eligible for student practice certification.

It is the student's responsibility to ensure that completion of Professional Responsibility and Evidence/Business Associations has been verified by the Office of the Registrar. Students interested in the SBEC should inquire further with the SBEC director about course prerequisites prior to enrolling in the SBEC.

Other pertinent statutory references are accessible from the NC Bar Web page.
<https://www.nbar.gov/for-lawyers/governing-rules-of-the-state-bar/0201-purpose>.