

Rhode Island Supreme Court Rules

Article II

Rule 9(c)

LAW STUDENTS

(c)(1) A senior law student in a law school accredited and approved by the American Bar Association may appear without compensation on behalf of the State (including a subdivision thereof or a municipal corporation) or on behalf of indigent parties in criminal or civil proceedings in the District Court, in the Family Court, in the Administrative Adjudication Court or its successor tribunal, in any municipal court (including probate or housing), or before any state or municipality administrative agency, board, or department, providing that the conduct of the case is under the general supervision of a member of the bar of this State who, as appropriate, is a regular or special assistant attorney general or municipality solicitor, or is employed by the Office of the Public Defender or any other State agency, or is associated with an organized and approved program providing legal services to indigents which program is either 1) funded in whole or in part by the federal government or by the Rhode Island Bar Foundation or 2) sponsored by a law school accredited and approved by the American Bar Association.

(2) The term “general supervision” shall not be construed to require the attendance of the supervising attorney in court or before the tribunal. Where a supervising attorney is present, however, he or she shall have the right to participate with the student in the proceedings at his or her discretion. Provided further that no senior law student shall conduct a trial on the merits on behalf of an indigent defendant in the District or Family Courts unless the supervising attorney is present to oversee the conduct of the proceedings.

(3) The term “senior student” or “senior law student” shall mean a student who has completed successfully the equivalent of at least three full-time semesters of his or her course of law school study and who has completed or is enrolled in a course for credit in evidence or trial practice. Such student shall also secure the written approval by the dean of his or her law school certifying to the student's good character, legal ability, and training. The dean's written approval shall be filed in respect to a student or group of students with the Clerk of the Supreme Court and shall remain in effect, unless withdrawn earlier, until the date of the first bar examination following the student's graduation, and as to a student taking that examination, until the announcement of the results thereof. For any student who passes that examination, the approval shall continue in effect until the date of his or her admission to the bar.

(4) The justices of the Supreme Court or a justice of the Superior Court may, in the exercise of judicial discretion, permit a senior law student qualified and supervised as provided in subsections (a) through (c) hereof, to appear without compensation on behalf of the State or an indigent party in a criminal or civil proceeding or appeal. The supervising attorney shall be present in the Supreme or Superior Court to oversee the conduct of the proceedings and may

participate in the proceedings, either at his or her discretion or if required to do so by the Court in the interest of justice or to ensure the orderly administration of court business.

(5) Any indigent party represented by a senior law student shall be informed at the commencement of the representation that the student is practicing pursuant to this rule. No student shall represent an indigent party in any proceeding in court or before any administrative agency, board or department without the client's written consent and, if the client is a child, without the written consent of the guardian ad litem, if any, as well.

(6) The term “without compensation” used in this rule shall not be construed to make such senior law students ineligible to be paid as interns or work study participants in the office of the Attorney General or the Public Defender wherein their compensation shall not depend in any way upon the number of cases, if any, in which they might be called upon to participate. Such programs, whether supported by federal, state or other funding resources shall not in any way be inhibited or adversely affected by any provisions of this rule.