

Rules of the Supreme Court of the State of Delaware

Rule 56. Admission of Eligible Law Student to limited practice as a legal intern.

(a) Limited practice as legal intern. Notwithstanding the provisions of any other Rule of this Court or the Delaware State Board of Bar Examiners to the contrary, an Eligible Law Student, as hereinafter defined, may appear in the Family Court, the Court of Common Pleas, the Justice of the Peace Courts and before the State Human Relations Commission, in the following proceedings, subject to the following conditions.

(1) Family Court. In the Family Court in proceedings:

(i) Civil matters. In all civil matters;

(ii) Criminal matters.

(A) Arbitration. In arbitration or mediation;

(B) Commissioner and Master. Before a Commissioner or Master;

(C) Judge. On appeal from the foregoing to a Judge of the Family Court.

(2) Court of Common Pleas. Before the Court of Common Pleas in any case involving any offense set forth in Title 21 of the Delaware Code except driving a vehicle while under the influence of alcohol offenses and cases where a person sustained a serious physical injury.

(3) Justice of the Peace. In the Justice of the Peace Courts in any matter.

(4) Human Relations Commission. Before the State Human Relations Commission in all proceedings within its jurisdiction.

(5) Environmental Appeals Board. Before the Environmental Appeals Board in all proceedings within its jurisdiction.

(6) Written consent. Before an Eligible Law Student shall begin such representation, the party to be represented shall consent thereto by executing form I attached hereto, which shall be witnessed by the supervising attorney or by the presiding Master or Justice of the Peace and filed in the record of the proceedings.

(b) Eligibility of students.

(1) Definition. An "Eligible Law Student" under this rule is a student registered and attending an American Bar Association approved law school who has successfully completed four semesters as a full-time law student. Such Eligible Law Student must be certified by the Dean of the law school as being of good character and competent legal ability and eligible to participate in the legal intern program. Certification is to be made on Form II, attached hereto, and filed with the Clerk of the Supreme Court.

(2) Supervision. In any appearance of an Eligible Law Student, the student shall be supervised by an attorney of an agency specified in paragraph (e) hereof, duly admitted to practice in this State, who shall appear as counsel of record. Such attorney shall be personally present in any proceeding before a Judge of the Family Court or Court of Common Pleas unless such personal appearance is waived by the Family Court or Court of Common Pleas.

(3) Certification. In all appearances, the Eligible Law Student shall file with the Court or the Commission in which the student appears a written certification from the student's supervisor indicating the name of the student and supervisor and case or cases in which the Eligible Law Student is authorized to appear.

(4) Oath. An Eligible Law Student shall file the oath or affirmation attached hereto as Form III prior to any appearance. The supervising attorney shall witness such oath or affirmation and file it with the Clerk of the Supreme Court.

(c) Compensation prohibited. An Eligible Law Student may neither ask for nor receive any compensation or remuneration of any kind for the student's services from or on behalf of, the person for whom the student renders services. This shall not prevent the student from receiving compensation from any agency listed under Paragraph (e) hereof, nor shall this prevent any agency from making such charges and payments for its services as it may otherwise properly require or receive as statutory fees and allowances.

(d) Supervision. The member of the Bar under whose supervision an Eligible Law Student does any of the things permitted by this Rule shall:

(1) File oath. Witness and file the oath or affirmation with the Clerk of this Court.

(2) Consent to representation. Witness the Consent to Representation on Form I as required pursuant to paragraph (a) of this Rule.

(3) Personal professional responsibility. Assume personal professional responsibility for the student's guidance in any work undertaken and for supervising the quality of the student's work.

(4) Preparatory assistance. Assist the Eligible Law Student in the student's preparation to the extent that the supervising lawyer considers it necessary.

(e) Supervision and placement. Supervision and student placement under this Rule shall be in and by the following agencies only:

(1) Attorney General's Office of the State of Delaware

(2) Public Defender

(3) An organized legal aid or legal assistance program sponsored, approved or recognized by the State Board of Bar Examiners.

(4) Office of the Child Advocate.

(f) Coordination. The Dean of the law school at which an Eligible Law Student is registered or the head of any listed in Paragraph (e) of this Rule shall act as coordinator of an Eligible Law Student under this Rule.

(g) Certification. The certification of an Eligible Law Student

(1) Duration. Shall remain in effect, unless sooner withdrawn, until the announcement of the results of the first Delaware Bar Examination following the student's graduation, if registered to sit for that examination, or if not until graduation from the law school. For any student who passes that examination, the certification shall continue in effect until the date the student is admitted to the Bar.

(2) Withdrawal. May be withdrawn by the Dean at any time by mailing a notice to that effect to the Dean of the law school at which the student is registered and to the Clerk of this Court. It is not necessary that the notice state the cause for withdrawal.

(3) Termination. May be terminated at any time, without hearing and without any showing of cause, by this Court, the Dean of the law school at which the student is registered or the head of the agency in which the student is being supervised.