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**UNITED STATES COURT OF APPEALS**  
FOR THE FIRST CIRCUIT

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CLERK

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**NOTICE OF PROPOSED AMENDMENT TO LOCAL RULE 46.0(f)**

The United States Court of Appeals for the First Circuit hereby provides notice that it proposes the attached amendments to Local Rule 46.0(f) (Standing Rule Governing Appearance and Argument by Eligible Law Students). The proposed amendments modify slightly the requirements for appearance and argument by law students. There are also corresponding changes to the required forms. Additions are noted in *italic* print; deletions are noted in ~~strikeout~~ print.

The Court of Appeals invites public comments on the proposed amendments. Comments should be received by July 9, 2009, and addressed to:

Office of the Clerk, U.S. Court of Appeals for the First Circuit  
John Joseph Moakley United States Courthouse  
1 Courthouse Way, Suite 2500  
Boston, Massachusetts 02210

June 9, 2009

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Richard Cushing Donovan  
Clerk of Court

## Local Rule 46.0. Attorneys

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### (f) Standing Rule Governing Appearance and Argument by Eligible Law Students

#### (1) Scope of Legal Assistance.

- (A) An eligible law student with the written consent of an indigent and the indigent's attorney of record may appear in this court on behalf of that indigent in any case. The attorney of record, for purposes of this rule, must be a member of the bar of this court, ~~the faculty member conducting the course in appellate advocacy described in paragraph (2)(c) of this section~~, and *either* appointed as counsel on appeal for the indigent *or represent the indigent on a pro bono basis*. The written consent must be filed with the clerk.
- (B) An eligible law student may assist in the preparation of briefs and other documents to be filed in this court, but such briefs or documents must be signed by the attorney of record. Names of students participating in the preparation of briefs may, however, be added to the briefs. The law student may also participate in oral argument with leave of the court, but only in the presence of the attorney of record. The attorney of record must assume personal professional responsibility for the law student's work and for supervising the quality of the law student's work. The attorney of record should be familiar with the case and prepared to supplement or correct any written or oral statements made by the student.

#### (2) Student Eligibility Requirements. In order to appear, the student must:

- (A) Be enrolled 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 taking, *or have taken*, a course in appellate advocacy *or a course in a supervised clinical program* for academic credit;
- (D) Be certified by ~~the attorney of record~~ *the dean of the student's law school* as qualified to provide the legal representation permitted by this rule. This certification, which shall be filed with the clerk, may be withdrawn by the dean at any time by mailing a notice to the clerk or by termination by this court without notice or hearing and without any showing of cause;
- (E) Neither ask for nor receive any compensation or remuneration of any kind for the student's services from the person on whose behalf the student renders services. This shall also prevent a law student from making charges for ~~its~~ *his or her*

services;

- (F) Certify in writing that the student has read and is familiar with the Code of Professional Responsibility of the American Bar Association, the Federal Rules of Appellate Procedure, and the rules of this court.

(3) **Standards of Supervision.** The supervising attorney of record must:

- (A) File with this court the attorney's written consent to supervise the student;
- (B) Assume personal professional responsibility for the student's work;
- (C) Assist the student to the extent necessary;
- (D) Appear with the student in all proceedings before this court and be prepared to supplement any written or oral statement made by the student to this court or opposing counsel.

(4) **Forms Required by Rule.**

- (A) **Form to be completed by the party for whom the law student is rendering services:**

I authorize \_\_\_\_\_, a law student, to appear in court or at other proceedings on my behalf, and to prepare documents on my behalf.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature of Client)

(If more than one client is involved, approvals from each shall be attached.)

- (B) **Form to be completed by the law student's supervising attorney:**

I certify that this student has completed at least 4 semesters of law school work, and is, to the best of my knowledge, of good character and competent legal ability. I will carefully supervise all of this student's work. I authorize this student to appear in court or at other proceedings, and to prepare documents. I will accompany the student at such appearances, sign all documents prepared by the student, assume personal responsibility for the student's work, and be prepared to supplement, if necessary, any statements made by the student to the court or to opposing counsel.

\_\_\_\_\_  
(Name of Student)

\_\_\_\_\_  
(Signature of Supervising Attorney)

\_\_\_\_\_  
(Address & Phone of Above)

\_\_\_\_\_  
(Address & Phone of Above)

Name of Law School Attending \_\_\_\_\_

**(C) Form to be completed by law student:**

I certify that I have completed at least 4 semesters of law school; that I am familiar and will comply with the Code of Professional Responsibility of the American Bar Association, the Federal Rules of Appellate Procedure, and the Rules of this Court; and that I am receiving no compensation from the party on whose behalf I am rendering services.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature of Student)

**(D) Form to be completed by Dean:**

*I certify that this student has completed at least 4 semesters of law school work and is qualified to fulfill the responsibilities required by First Circuit Rule 46.0(f).*

\_\_\_\_\_  
(Name of Student)

\_\_\_\_\_  
(Signature of Dean)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Address & Phone of Above)

Name of Law School Attending \_\_\_\_\_