

FILED

SEP 28 1963

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BY _____ DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

IN RE:)
)
ORDER AMENDING LOCAL RULE 9) GENERAL ORDER NO. 144
ATTORNEYS)

IT IS ORDERED that the following amendments to Local Rule 9(b) are hereby adopted:

(4) CERTIFIED STUDENT ATTORNEYS - Definition

"Certified Student" shall mean and refer to a law student who has been certified by the Eastern District Court Clerk pursuant to the Local Rules.

(5) ELIGIBILITY FOR CERTIFICATION

To engage in the activities permitted under Rule 4, a Certified Student must:

(a) Either (1) have successfully completed one full year of studies (minimum of 270 hours) at an accredited law school, or (2) have passed the First Year Law Students' Examination;

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(b) Been accepted into, and be enrolled in, the second, third or fourth years of law school in good academic standing or have graduated from law school, subject to the limitations of Rule 7(d) and (e);

(c) Have either successfully completed or be currently enrolled in academic courses which provide training in (1) evidence and (2) civil procedure;

(d) Have submitted an Application for Certification to the Eastern District Court Clerk; and

(e) Have received a Notice of Certification from the Eastern District Court Clerk.

(6) APPLICATION FOR CERTIFICATION

(a) A law student shall apply for certification pursuant to these Rules on a form to be furnished by and filed with the Eastern District Court Clerk at the office of the Court's Clerk in Sacramento, or Fresno, California. The Application for Certification must be accompanied by a prescribed filing fee of \$_____.

(b) The Application for Certification shall provide for the signature and attestation of the following:

(i) The law student shall attest that he or she:

a. Has read, is familiar with, and will abide by the rules of Professional Conduct of the State Bar of California and these Rules; and

b. Meets all of the requirements of Rule 2(a), (b) and (c), and shall immediately notify the Court through the

office of the Eastern District Court Clerk in the event that he or she no longer meets the requirements of Rule 2(a) (b), or (c).

(ii) The Dean of the law school in which the law student is enrolled shall attest that:

a. The law student meets the requirements of Rule 2(a) (b) and (c); and

b. He or she has no knowledge of facts or information which would indicate that the law student is not qualified by ability, training or character to participate in the activities permitted by these Rules.

(iii) The Supervising Attorney shall specify the period during which he or she will be responsible for and will supervise the law student and shall attest that he or she:

a. Meets the requirements of Rule 5(a); and

b. Has read, is familiar with, and will abide by and will assume responsibility under, the requirements of Rule 5(b) (c), (d), (e), (f) and (g).

(7) PERMITTED ACTIVITIES

(a) A Certified Student may engage in the following activities only if the client on whose behalf he or she acts (or, in the case of government agencies, the chief counsel or prosecuting attorney) shall have approved in writing on a Consent Form the performance of such acts by such Certified Student, or generally by any Certified Student; and then only with the approval and under the direct and immediate supervision and in the personal presence of the Supervising Attorney (or, in the case of govern-

ment agencies, any deputy, assistant or other staff attorney authorized and designated by the Supervising Attorney):

- (i) Appearing on behalf of the client in, or the taking of, depositions; and
- (ii) Appearing on behalf of the client in any public trial, hearing, arbitration or proceeding or before any arbitrator, court, public agency, referee, magistrate, commissioner, or hearing officer in the Eastern District of California, to the extent approved by such arbitrator, court, public agency, referee, magistrate, commissioner, or hearing officer.

(b) In all instances where, under these Rules, a Certified Student is permitted to appear in any trial, hearing, arbitration or proceeding, or before any arbitrator, court, public agency, referee, magistrate, commissioner or hearing officer in the Eastern District of California, the Certified Student shall, as a condition to such appearance, (1) either first present, or have previously presented, to the arbitrator, court, public agency, referee, magistrate, commissioner or hearing officer, a copy of the Consent Form or (2) file in the court case file a copy of the Consent Form.

(c) A Certified Student may engage in the following activities without the direct and immediate presence of the Supervising Attorney:

- (i) Negotiating for and on behalf of the client subject to final approval thereof by the Supervising Attorney but only under the general supervision of the Supervising Attorney who shall, prior to the Certified Student's engaging in such

negotiations, have approved the plan of negotiation to be undertaken by the Certified Student; and

(ii) Giving legal advice to the client but only under the general supervision of the Supervising Attorney who shall, prior to the Certified Student's giving of legal advice, have approved the legal advice to be given by the Certified Student to that particular client.

(d) A Certified Student may appear on behalf of a government agency on behalf of the office of the Federal Defender in the prosecution or defense of criminal actions classified as misdemeanors or other such minor offenses with a maximum penalty or a fine equal to the maximum penalty or fine for federal misdemeanor violations, including any public trial, subject to approval by the court, commissioner, referee, hearing officer or magistrate presiding at such public trial, without the personal appearance of the Supervising Attorney or any deputy, assistant or other staff attorney authorized and designated by the Supervising Attorney but only if the Supervising Attorney or the designated attorney shall (1) have approved in writing the performance of such acts by the Certified Student and (2) be immediately available to advise the Certified Student as to any such proceeding.

(e) A Certified Student may appear on behalf of a government agency as a representative of that agency in those hearings held as appeals from the denial of Social Security Claims, including any public trial or hearing, without the personal appearance of the Supervising Attorney or any deputy, assistant

or other staff attorney authorized and designated by the Supervising Attorney but only if the Supervising Attorney or the Designated Attorney shall (1) have approved in writing the performance of such appearance and acts by the Certified Student and (2) be immediately available to advise the Certified Student as to the proceeding.

(f) Nothing in Rule 4 shall prevent a Certified Student from performing any advisory or representational activity which a person who is not admitted to practice before the United States District Court: Eastern District could perform.

(8) THE SUPERVISING ATTORNEY

The Supervising Attorney shall:

(a) Be an active member of the State Bar of California, and, in addition, shall be admitted to practice before the United States District Court, Eastern District, and before supervising the activities specified in Rule 4 hereof shall have practiced law or taught law in a law school as a full time occupation for at least two years; and

(b) Supervise no more than five (5) Certified Students concurrently, provided, however, that this limitation on supervision may be modified by the Committee upon written application and showing of good cause therefor; and

(c) Assume personal professional responsibility for any work performed by the Certified Student while under his or her supervision; and

(d) Assist and counsel with the Certified Student in the activities authorized by these Rules, and review such activities

with the Certified Student, all to the extent required for the proper practical training of the Certified Student and the protection of the client; and

(e) Read, approve, and personally sign any pleadings or other papers prepared by the Certified Student prior to the filing thereof, and read and approve any documents which shall be prepared by the Certified Student for execution by any person not a member of the State Bar of California and not admitted to practice for the United States District Court, Eastern Division prior to submission thereof for execution; and

(f) Provide direct and immediate supervision in the personal presence of the Certified Student for activities listed under Rule 4(a); and, in addition, provide general and where mandated, specific supervision for activities listed under Rule(s) 4(c)(d) and (e); and

(g) Notify the Committee promptly in writing whenever his or her supervision of the Certified Student will cease for reasons other than those specified in Rule 7.

(9) USE OF THE DESIGNATION OF "CERTIFIED STUDENT"

(a) A certified Student may be designated as such:

(i) On pleadings, briefs and other similar documents on which the Certified Student has worked with or under the direction of the Supervising Attorney, by printing or typing the Certified Student's name thereon with a clear identification that the Certified Student is a law student certified under these Rules; and

(ii) On letters written on the Supervising Attorney's letterhead which relate to the Certified Student's supervised work, by the Certified Student's signature thereon immediately followed by a clear identification that he or she is certified under these Rules under the supervision of the named Supervising Attorney.

(b) Except as provided in Rule 6(a), a law student may not be identified on any writing as having been certified under these Rules.

(c) Nothing in these Rules is intended to prohibit a law student (whether certified or not) from being identified in writing as a law student.

(10) DURATION OF CERTIFICATION

Certification shall commence with the issuance of a Notice of Certification and shall remain in effect for the period specified on the Notice of Certification unless sooner terminated pursuant to the earliest of the following occurrences:

(a) The Supervising Attorney terminates his or her supervision without a written substitution, on a form provided by the Clerk of the Eastern District Court, of another qualified Supervising Attorney;

(b) The Certified Student ceases to be enrolled in a law school prior to graduation therefrom except for the normal hiatus between quarters and semesters;

(c) The Dean notifies the Clerk of the Eastern District Court that the Certified Student no longer meets the requirements of Rule 2(a)(b) or (c), and in such event the Clerk shall send

written notice to the Certified Student and his or her Supervising Attorney:

(d) The Certified Student fails to take, or is notified that he or she has not passed, the first General Bar Examination for which he or she is eligible;

(e) On the July 31 or the December 31 which first follows the first General Bar Examination for which the Certified Student is eligible;

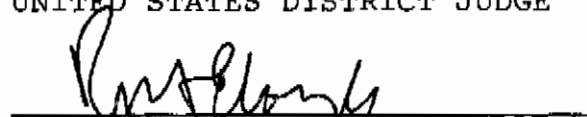
(f) Certification is withdrawn by the Court. In the event that Certification is withdrawn, the termination shall be effective ten (10) days from the date on which the Clerk of the Eastern District Court mails a Notice of Withdrawal of Certification to the Certified Student, and to his or her Supervising Attorney and Dean; provided, however, that upon receipt of the Notice, the Certified Student may contact the Court in writing and request a stay of the termination pending hearing, which the Court may allow or disallow upon good cause shown. The Notice of Withdrawal of Certification sent to the Certified Student shall also set forth the reasons for the termination and advise the Certified Student of his or her right to request a stay and to contest the termination before the Court. The Certified Student may contest the termination by a written request to the Court, sent within fifteen (15) days of mailing of the Notice of Withdrawal of Certification, for a hearing to show good cause why he or she should be recertified. Hearing on such request shall be commenced within 60 days of the receipt of the request.


Rule 7(f) shall not apply to withdrawal of the Supervising Attorney(s) or failure to pay the certification fee.


DATED: September 28, 1983.


MILTON L. SCHWARTZ
UNITED STATES DISTRICT JUDGE


EDWARD DEAN PRICE
UNITED STATES DISTRICT JUDGE


ROBERT E. COYLE
UNITED STATES DISTRICT JUDGE


LAWRENCE K. KARLTON, CHIEF
U.S. DISTRICT JUDGE


RAUL A. RAMIREZ
UNITED STATES DISTRICT JUDGE