

Rule 2092-1

APPEARANCES BY LAW STUDENTS

(a) **Purpose.** In the interest of providing assistance to lawyers who represent clients unable to pay for legal services, and encouraging participating law schools to provide clinical instruction in the conduct of litigation in bankruptcy court, this rule establishes the rules and procedures by which eligible law students may appear in this Court (“Qualified Law Student”).

(b) **Qualified Law Students.** Except as otherwise provided herein, the requirements of M.D. Fla. R. 2.05 shall govern the limited admission of Qualified Law Students to practice before the Court for the purpose of representing indigent persons. This limited admission to practice before the Court may be revoked at any time upon the Court’s own motion.

(c) **Participation under Supervision.** A Qualified Law Student may participate in all court proceedings, including depositions, provided that a supervising lawyer or another lawyer from the same office as the supervising lawyer (“Supervising Lawyer”) is present. The Supervising Lawyer shall be present while a qualified law student is participating in court proceedings.

(d) **Requirements of Supervising Lawyer.** The Supervising Lawyer shall be admitted to practice before this Court as an Electronic Filing User. The Supervising Lawyer shall direct, supervise, and review all of the work of the Qualified Law Student and shall assume personal professional responsibility for any work undertaken by the Qualified Law Student while under the Supervising Lawyer’s supervision. All pleadings, motions, briefs, and other papers prepared by the Qualified Law Student shall be reviewed by the Supervising Lawyer, and shall be filed with the Court electronically using that lawyer’s CM/ECF User ID.

(e) **Termination of Supervising Lawyer.** A lawyer currently acting as a Supervising Lawyer may be terminated as a Supervising Lawyer at the discretion of the Court. When a Qualified Law Student’s Supervising Lawyer is so terminated, the student shall cease performing any services under this rule until written notice of a substitute Supervising Lawyer, signed by the Qualified Law Student and by the Supervising Lawyer, is filed with the Court.

(f) **Signature on Court Filings.** When a Qualified Law Student signs any correspondence or legal document, the Qualified Law Student’s signature shall be followed by the title “Law Student,” and if the document is prepared for presentation to a court or for filing with the clerk thereof, the document shall also be signed by the Supervising Lawyer.

(g) **Judicial Determination of Indigency Not Required for Referral to a Qualified Law Student.** A judicial determination of indigency is not required, and no motion for a judicial determination of indigency need be filed, with respect to any person who has been referred to a Qualified Law Student by a not-for-profit legal aid organization or legal aid clinic operated by a participating law school.

(h) ***Law Student and Supervising Attorney Not “Debt Relief Agencies.”*** The performance of *pro bono* legal services to debtors or other persons who are unable to pay for such legal services, in accordance with this rule, shall not cause the Qualified Law Student, the sponsoring legal aid organization or law school, or the Supervising Lawyer to be deemed a “debt relief agency” as defined in 11 U.S.C. § 101(12A).

Notes of Advisory Committee

2015 Amendment

This amendment eliminates the requirement that qualified law students comply with applicable requirements promulgated by the Supreme Court of Florida and the Florida Bar. This amendment also clarifies that, in addition to the requirement that the supervising lawyer or a lawyer with the same law firm as the supervising lawyer review all papers prepared by the qualified law student, the papers shall be filed using that lawyer’s CM/ECF User ID. This amendment is effective July 1, 2015.

2013

This rule establishes procedures by which supervised law students may appear before the Court. This rule is effective July 1, 2013.