

## LR 83.8 STUDENT PRACTICE

**(a) Scope.** A law student who represents a client in connection with a matter in this court must comply with this rule.

**(b) Student requirements.** A law student may practice under this rule as follows:

(1) The law student must be supervised by a member of this court's bar. The supervisor must:

(A) assume full responsibility for the law student's work;

(B) accompany the law student to, and be prepared to assist the law student at, every court appearance; and

(C) appear as an attorney of record in the same case in which the law student appears.

(2) The law student must be enrolled in a law school accredited by the American Bar Association.

(3) The law student must have completed the equivalent of at least two semesters of full-time study.

(4) The law student must:

(A) be enrolled for credit in a law-school supervised program and the law student's work must be under the supervision of that program; or

(B) be a paid or unpaid intern representing any state, local, or other governmental unit or agency.

(5) The law student must not accept compensation in connection with the matter, except that a paid intern may receive compensation from his or her employer. But the law-school supervised program in which the law student is enrolled may accept compensation other than from a client, such as a Criminal Justice Act payment.

**(c) Supervising-attorney requirements.** The attorney supervising the law student must do the following:

(1) Verify that the law student meets the requirements of LR 83.8(b);

- (2) Complete the student-practice certification form provided by the clerk and file it with the clerk's office; and
- (3) File a copy of the student-practice certification form in any case in which the law student appears.

**(d) Effect of certification.** A completed student-practice certification form is effective for 12 months after the date it is filed with the clerk's office, unless the chief judge revokes the certification.

**(e) Revocation.** The chief judge may at any time revoke student-practice certification by sending written notice to the supervising attorney and the student.

[Adopted effective February 1, 1991; amended \_\_\_\_, 2013.]

**2013 Advisory Committee's Note to LR 83.8**

The language of LR 83.8 has been amended in accordance with the restyling process described in the 2012 Advisory Committee's Preface on Stylistic Amendments.

Local Rule 83.8 has also been amended to broaden the category of eligible law students who may practice before the court to include paid or unpaid interns or externs of a government agency. In addition, LR 83.8 has been amended to streamline the procedure to allow a law student to practice by having the supervising attorney, rather than the law school, certify that a law student is eligible to practice under this rule.

Before a law student may practice in any matter in this court, the supervising attorney must complete and submit the student-practice certification form by emailing it to the clerk's office. The clerk's office will then stamp the form as having been filed and email it back to the attorney. The supervising attorney must then file the stamped form in each case in which the law student appears.

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UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

**STUDENT PRACTICE CERTIFICATION AND  
NOTICE OF APPEARANCE OF STUDENT ATTORNEY**

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Local Rule 83.8 requires that before a law student practices before this Court, this form must be completed and submitted by the law student's supervising attorney to the Clerk's Office by emailing the form to [ecfhelpdesk@mnd.uscourts.gov](mailto:ecfhelpdesk@mnd.uscourts.gov). This document must also be filed as a notice of appearance in each case in which the law student appears.

Supervising Attorney's Name	
Supervising Attorney's Employer	
Law Student's Name	
Law Student's Address	
Law Student's Phone Number	
Law Student's Email Address	
Law Student's Law School and Year	

By signing below, I certify that:

1. I will assume full responsibility for the above-identified law student's work and will accompany the law student to, and be prepared to assist the law student at, every court appearance.

2. I have verified that the above-identified law student meets the requirements of LR 83.8(b).
3. I have obtained verification from the law student's law school that the student is enrolled in a law school accredited by the American Bar Association and has completed the equivalent of at least two semesters of full-time study.
4. The law student will not accept compensation in connection with the matter, except as authorized under LR 83.8(b)(5).

Date	Signature of Supervising Attorney
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### **LR 83.13 COURT APPOINTEES**

**(a) Scope.** This rule applies to any person whom a judge appoints to assist the court in a matter. Appointees under this rule may include, for example, special masters, receivers, referees, trustees, commissioners, court-appointed experts, investigators, mediators, and arbitrators.

**(b) Conflicts of Interest.**

(1) If an appointee becomes aware of any circumstances that might constitute, or might reasonably appear to constitute, a conflict of interest, the appointee must immediately inform the appointing judge of all facts relevant to those circumstances. The appointing judge must then determine what, if any, action should be taken.

(2) A “conflict of interest” includes any set of circumstances that affects, or might reasonably appear to affect, an appointee’s ability to act impartially in the matter for which he or she was appointed.

**(c) Complaints.**

(1) A complaint about an appointee’s conduct must be made in writing to the appointing judge. The complaint must include a detailed description of the facts and circumstances giving rise to the complaint and must expressly identify the statute, rule, regulation, canon, or other authority on which the complaint is based.

(2) The judge must permit the appointee and the parties to respond to the complaint.

(3) The judge must review the complaint, determine whether the appointee committed misconduct, and decide what action, if any, to take. The judge may take appropriate action to protect the rights and interests of anyone who may have been affected by an appointee’s misconduct.

**(d) Court-Initiated Discipline.** An appointing judge may, at any time, independently review an appointee’s conduct and take appropriate action.

[Adopted effective January 3, 2000; amended May 14, 2013; amended \_\_\_, 2013]

**2013 Advisory Committee's Note to LR 83.13**

The language of LR 83.13 has been amended in accordance with the restyling process described in the 2012 Advisory Committee's Preface on Stylistic Amendments.

After the May 2013 amendments, the language in subsection (b) was further amended to clarify that an appointee is obligated to inform the judge of potential conflicts of interests when circumstances "might reasonably appear" to affect an appointee's ability to act impartially.

**1999 Advisory Committee's Note to LR 83.13**

The Committee concluded that allegations of misconduct by court appointees will most often arise out of either actual or apparent conflicts of interest. For this reason, the rule expressly requires appointees to disclose any such conflicts to the appointing judge. The Committee further concluded that it would not be feasible or necessary to develop a comprehensive code of ethical conduct for all court appointees. Such appointees will be expected to follow the broad moral and ethical principles that guide the conduct of lawyers and judicial officers.

The Committee recognizes that judges must retain the authority to manage and control their cases. The automatic assignment of an "outside judge" to consider complaints against a court appointee could adversely affect that authority. If a party or the appointing judge believes that some other judge should consider a complaint against an appointee, the general rules regarding recusal would be applicable.

This rule confirms the appointing judge's authority to act on a complaint of misconduct by an appointee. The rule expressly recognizes the judge's authority to (a) preserve the integrity of the court by taking appropriate disciplinary action against the appointee, and (b) protect litigants whose interests may have been adversely affected by the misconduct of an appointee. A judge's response to misconduct by an appointee may include, without being limited to, termination of the appointment, imposition of sanctions, application of the power of contempt, recommending to other judges that the appointee should be barred from future appointments in this District, initiation of attorney disciplinary proceedings in this District pursuant to L.R. 83.6(e), referring the matter to the Minnesota Office of Lawyers Professional Responsibility, or referring the matter to the United States Attorney or the Minnesota Attorney General to consider criminal charges. Complaints regarding fee issues (in cases involving special masters) should be raised and addressed under Fed.R.Civ.P. 53. Any party who is dissatisfied with a judge's action on a complaint against an appointee would retain the same right to appeal that exists for any other action taken by a district court judge.

## LR 83.8 STUDENT PRACTICE **RULE**

(a) ~~Any eligible~~ **Scope.** A law student who represents a client in a law school connection with a matter in this ~~district accredited by the American Bar Association may, under conditions stated below, interview, advise, negotiate, and appear before any Magistrate Judge or District Court Judge in~~ court must comply with this district rule.

(b) ~~For a~~ **Student requirements.** A law student ~~to be eligible to~~ may practice under this rule, ~~the following requirements must be met~~ as follows:

(1) The ~~conduct of the case~~ law student must be ~~under the supervision of supervised by~~ a member of ~~the bar of this district, and the court's bar.~~ The supervisor must be present with and prepared to assist the student at any Court appearances and must:

(A) assume full professional responsibility for the law student's work;

~~(2) — The~~ (B) accompany the law student must to, and be prepared to assist the law student at, every court appearance; and

(C) appear as an attorney of record in the final two years of law school; same case in which the law student appears.

~~(3)~~ (2) The law student must be enrolled in a law school accredited by the American Bar Association.

(3) The law student must have completed the equivalent of at least two semesters of full-time study.

(4) The law student must:

(A) be enrolled for credit in a law-school clinical supervised program; and the law student's work must be under the supervision of that program; or

(4B) be a paid or unpaid intern representing any state, local, or other governmental unit or agency.

(5) The law student may must not accept ~~personal~~ compensation in connection with the matter, except that a paid intern may receive compensation from a client his or other source, although her employer. But the law-school clinical supervised program in which the law student is

enrolled may accept compensation other than from a client, such as a Criminal Justice Act ~~payments~~payment.

~~(c) — Before a student shall be eligible to appear in Court pursuant to this rule, the dean of the accredited law school that the student attends shall file with the Clerk of this Court a list of names of the enrolled students who have been selected by the faculty to participate in the program. This filing shall constitute a certification that, in the opinion of the dean and the faculty, the students on the list have adequate knowledge of the applicable procedural rules and substantive law, and that the activities of the students will be adequately supervised as required by this rule. Upon written approval by the Chief Judge of this district, to be filed with the Clerk of this Court, the students on the lists submitted by the law school deans shall be authorized to practice pursuant to this rule. The written approval of the Chief Judge shall remain in effect for a period of 12 months from the date of filing, unless withdrawn earlier or unless, upon application by the dean of the law school, the Chief Judge shall extend the privilege.~~

**(c) Supervising-attorney requirements.** The attorney supervising the law student must do the following:

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(2) The judge must permit the appointee and the parties to respond to the complaint.

(3) The judge must review the complaint, determine whether the appointee committed misconduct, and decide what action, if any, to take. The judge may take appropriate action to protect the rights and interests of anyone who may have been affected by an appointee’s misconduct.

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