

CHAPTER SCR 50

PRACTICAL TRAINING OF LAW STUDENTS

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Judicial Council Committee's Note, 1979: The following rules, called the rules for practical training of law students, govern law students receiving practical training in Wisconsin. These rules were originally adopted by the supreme court on December 19, 1975, effective January 15, 1976. They were amended on December 23, 1977. The rules were originally numbered I to VIII and have been clarified and numbered SCR 50.01 to 50.08 for uniformity and convenience. Former Rule III B relating to a law student affiliate member of the state bar of Wisconsin has been repealed as that type of membership no longer exists.

Note: SCR Chapter 50 was amended April 26, 1982.

SCR 50.01 Citation of rules. This chapter may be cited and referred to as the “rules for practical training of law students.”

SCR 50.02 Place of filing. All documents required to be filed with the clerk of the supreme court and the state bar by these requirements shall be filed at their respective offices in Madison, Wisconsin.

SCR 50.03 Requirements and limitations. (1) In order to engage in the activities permitted by these rules a law student:

(a) Shall be regularly enrolled in a law school in this state approved by the American bar association.

(b) Shall have completed legal studies amounting to at least one-half of the requirements for a law degree.

(c) Shall have been certified by the dean of his or her law school as having complied with the provisions of par. (b), as being qualified in ability, training and character to participate in the activities permitted by these rules, and approve the student's participation under the supervision of a named supervising lawyer or lawyers and the certificate shall not have been withdrawn or terminated.

(2) A student at a law school in another state approved by the American bar association may engage in the activities authorized by this chapter under the following conditions:

(a) The student complies with this chapter except sub. (1) (a) and the requirement of sub. (1) (c) that the dean's certificate name the supervising lawyer.

(b) The student must be supervised by a lawyer who is approved under SCR 50.05 by the dean of a law school in Wisconsin to supervise students of the dean's law school.

SCR 50.04 Form and duration of certification. The certification of a student by the law school dean:

(1) Shall be filed with the supreme court and the state bar, on a form furnished by the clerk of the supreme court and unless sooner withdrawn or terminated, the certification shall remain in effect until the expiration of 16 months after it is filed or until the student has been admitted to practice in this state, whichever is earlier.

(2) May be withdrawn by the dean at any time without hearing and without any showing of cause and shall be withdrawn by the dean if the student ceases to be regularly enrolled as a student prior to his or her graduation, by sending by certified mail a notice to that effect to the clerk of the supreme court, to the state bar, to the supervising attorney and to the student. The notice need not state any cause for withdrawal.

(3) May be canceled by the supreme court at any time, without notice of cause and the student denied permission to participate in the program.

SCR 50.05 Supervision. A supervising lawyer shall:

(1) Be an active member of the state bar and approved by the dean of the law school where the student is enrolled; provided a regular member of the faculty of a law school in this state may supervise students under this chapter if admitted to practice in another state pending action on his or her application for admission to practice in this state.

(2) Supervise no more than 5 students concurrently, provided that a lawyer devoting more than 20 hours per week to the supervision and education of clinical students for which he or she is taking responsibility under these rules (as distinct from time devoted to providing service to his or her client or clients) may supervise up to 10 students who are devoting no more than 20 hours per week to the clinical program.

(3) Assume personal professional responsibility for any work undertaken by the student while under his or her supervision.

(4) Assist and counsel with the student in the activities mentioned in these rules and review the activities with the student, all to the extent required for the proper practical training of the student and the protection of the client.

(5) Read, approve and personally sign any pleadings or other papers prepared by the student prior to the filing thereof and read and approve any documents which are prepared by the student for execution by any person or persons not a member or members of the state bar prior to submission thereof for execution.

(6) Before commencing supervision of any student, file with the state bar a notice in writing signed by him or her stating the name of the student, the period or periods during which he or she expects to supervise the activities of the student and that the supervising lawyer will adequately supervise the student in accordance with this chapter.

(7) Notify the state bar in writing promptly if his or her supervision of the student ceases.

(8) File with the dean of the student's law school at least semi-annually a statement of the types of activities engaged in by the student.

SCR 50.06 Activities authorized. (1) A student may engage in the following activities only under direct and immediate supervision and with the approval of a supervising lawyer and only if the client on whose behalf he or she acts shall have approved in writing the performance of those acts by the student. Such activities must be part of the clinical program of the law school.

(2) In this rule:

(a) “Client” means any ultimate recipient of legal services.

(b) “Direct and immediate supervision” means (except as to matters tried under chapter 799 of the statutes) that the lawyer shall be present with the student at each time during the trial, hearing or proceeding in which the student engages in activities which would be unauthorized but for this chapter, except for those times when very routine actions take place (including when representing one charged with a misdemeanor, such action as a request for continuance or a plea of not guilty on first appearance, but not including, when representing one charged with a felony, such actions as an arraignment or a bail argument) if the judge or other presiding officer and the client agree with the lawyer beforehand the lawyer's presence is unnecessary.

(3) The following activities are authorized:

(a) Appearing on behalf of the client in the name of the supervising lawyer in any public trial or hearing or proceeding pertaining thereto in a court, a tribunal or before any public agency, referee, commissioner or hearing officer.

(b) Counseling with and giving legal advice to a client in the presence of the supervising attorney, except as otherwise provided in this rule.

SCR 50.07 Activities requiring general supervision. (1)

This chapter does not prevent a law student under the general supervision of a lawyer from performing acts on behalf of the lawyer such as those customarily performed by law clerks in law offices before January 1, 1979.

(2) In this rule, “general supervision” means supervision in

accordance with SCR 50.05 (3) to (5). The activity may be undertaken by any law student without compliance with SCR 50.03 and by any active member of the state bar without approval by the dean of the law school under SCR 50.05 (1) and without compliance with SCR 50.05 (2), (6), (7) and (8).

SCR 50.08 Compensation.

A law student shall neither ask for nor receive any compensation or remuneration of any kind for his or her services from the client on whose behalf he or she renders services, but this does not prevent a lawyer, an organization having an established legal department, any nonprofit organization rendering legal aid to indigent persons or any public agency from paying compensation on a salaried or hourly basis to an eligible law student or a law school from awarding scholarships or fellowships to an eligible law student.