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**In the Matter of the Petition to Repeal  
and Recreate Supreme Court Rule  
(SCR) Chapter 50, Regarding the  
Practical Training of Law Students**

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**PETITION  
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This rule proposal comes before the Wisconsin Supreme Court upon the motion of the Wisconsin Access to Justice Commission. The rules governing the practical training of law students, Supreme Court Rule (SCR) Ch. 50, are dated, do not provide for adequate experiential learning opportunities for law students, nor do they encourage equitable and diverse membership in the Wisconsin Bar. After reviewing the similar rules in other states, and consulting with Wisconsin's two law schools and the Board of Bar Examiners, the Commission has determined that updating the student practice rules will increase learning opportunities for students, encourage the development of more diverse bar, and increase access to justice. A memorandum setting forth the reasons for this petition is attached. The Commission proposes the existing SCR ch. 50 rule be repealed and replaced with the following version:

**PROPOSED NEW TEXT OF SCR 50**

**SCR 50.01 Qualifications to practice as a student.**

In order to engage in the activities permitted under SCR 50.04, a law student:

(1) Shall either:

(a) be regularly enrolled in law school approved by the American Bar Association, in good standing, and have completed the first-year curriculum for a full time student, as certified under SCR 50.02; or

(b) have graduated from a law school approved by the American Bar Association, as certified under SCR 50.02, not more than 12 months before engaging in the activities permitted by these rules and shall not be admitted to practice before any federal or state court;

(2) Shall work under the supervision of a lawyer, as provided in SCR 50.03, under the auspices of:

(a) a clinical education program operated or sponsored by a Wisconsin law school, including externships, practicums, supervised field placements and experience-based programs operated or sponsored by a Wisconsin law school;

(b) a qualified *pro bono* program, as defined in SCR 31.01(12);

(c) a nonprofit legal services organization that receives funding from the Wisconsin Trust Account Foundation or the Legal Services Corporation; or

(d) a government agency which employs the supervising lawyer; and

(3) If providing legal services to a client under SCR 50.04, shall obtain the informed consent of the client, as specified in SCR 20:1.0(f).

**SCR 50.02 Law school certification.**

(1) A student engaged in activities permitted by SCR 50.04 shall obtain a written certification from the law school in which the student is enrolled, or the law school from which the student graduated, on a form prescribed by the Director of State Courts.

(2) The student shall obtain the applicable certification form from the Director of State Courts, present the certification form to the law school for its consideration, obtain a completed form from the law school and carry the form at all times when appearing in court. The law school shall send a copy of the certification form to the office of the Director of State Courts.

(3) The law school shall certify, as applicable, whether the student:

(a) is regularly enrolled, is in good standing, and has completed the first-year curriculum for full time students; or

(b) has graduated, and the certification shall specify the date of graduation.

(4) The certification shall be valid until:

(a) for students who have not yet graduated, the expiration of 24 months after it is issued or until the student has been admitted to practice before any federal or state court, whichever is earlier. For part-time students and students regularly enrolled and pursuing one or more additional degrees, the certification may be renewed at the discretion of the law school; or

(b) for students who have graduated but have not yet been admitted to practice before any federal or state court, the expiration of 12 months after the date of graduation.

(5) The certification may be invalidated by the supervising lawyer at any time without hearing and without any showing of cause and shall be withdrawn by the student's law school if the student ceases to be regularly enrolled in law school without graduating. If the certification is invalidated, the supervising lawyer shall send notice by certified mail to the Director of State Courts.

(6) The certification may be canceled by the supreme court at any time, without hearing and without any showing of cause.

**SCR 50.03 Supervision.**

A supervising lawyer shall:

- (1) Be an active member of the State Bar of Wisconsin within the meaning of SCR 10.03.
- (2) Assume personal professional responsibility for any services performed or undertaken by the student while under the lawyer's supervision.
- (3) Read, approve and personally sign any pleadings or other papers prepared by the student prior to the filing thereof with a court, tribunal or public agency.
- (4) Read and approve any documents which are prepared by the student for signing by any other person.
- (5) Appear with the student in any proceeding before a court, tribunal or public agency unless:
  - (a) the lawyer's presence is not necessary; and
  - (b) if the student is appearing on behalf of a client, the client gives informed consent, as specified in SCR 20:1.0(f); and
  - (c) the judge, panel of judges or presiding officer does not object to the student appearing without the supervising lawyer present.
- (6) Supervise no more than the following numbers of students concurrently:
  - (a) 10, if the lawyer spends on average more than 20 hours per week supervising the clinical education of students;
  - (b) 5, if the lawyer spends on average 20 hours or fewer per week supervising the clinical education of students;
  - (c) 5, if the lawyer supervises students under the auspices of a qualified *pro bono* program, a nonprofit legal services organization that receives funding from the Wisconsin Trust Account Foundation, or as a lawyer employed by a governmental agency.

**SCR 50.04 Activities authorized.**

A student may engage, under the supervision of a supervising lawyer in accordance with SCR 50.03, in the following activities:

- (1) Appear on behalf of a client or a governmental agency in any proceeding before a court, tribunal or public agency; except that before appearing before the supreme court or court of appeals, the supervising lawyer and the student must request permission by motion filed under Rule 809.14.

(2) Negotiate on behalf of a client or a governmental agency with another person or entity.

(3) Counsel and give legal advice to a client or governmental agency.

**SCR 50.05 Students engaged as law clerks.** This chapter does not require certification in accordance with SCR 50.02 or supervision in accordance with SCR 50.03 of a law student performing acts on behalf of a lawyer or law firm that are customarily performed by law clerks in law offices, as long as the acts do not consist of activities specified in 50.04, except that a lawyer or law firm employing a law clerk must assume professional responsibility for any acts performed by the student as a law clerk while in the employment of the lawyer or law firm.