



INSTRUCTIONS FOR USING YOUR WISCONSIN STUDENT PRACTICE RULE CERTIFICATION

Congratulations on securing your new Wisconsin Student Practice Rule certification. The Law School has issued this certification under the auspices of Wisconsin Supreme Court Rules Chapter 50. A copy of Chapter 50, which took effect on July 1, 2021 and is formally known as Rules for the Practical Training of Law Students, is attached to these instructions. Please read its provisions carefully. You will be expected to abide by its terms whenever engaged in the activities authorized by the Rule.

Please note the following about the new Rule:

1. Your certification for student practice is valid for 24 months from its date of issuance or until you are admitted to practice before any federal or state court, whichever is earlier.¹
2. Your certification for student practice is **portable**. This means that you may use it in any of the practice settings authorized by the Rule. You need not obtain a new certification when you move from one practice setting to another. Therefore, you should retain your certification document until it expires.
3. **Important: You must have the certification in your personal possession whenever you are appearing in court under the auspices of the Student Practice Rule.**
4. Student Practice Rule activities are only permitted in the following settings:
 - (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.

~~Chapter 50 does not authorize Student Practice Rule activities by an employee, intern, or volunteer at private, for-profit law firms, unless those activities are undertaken as part of a clinical education program operated or sponsored by a Wisconsin law school.~~

¹ If you are a part-time student and are still in law school after the expiration of 24 months, you will need to obtain a new certification for student practice.

5. Carefully review the text of § 50.04 of the Rule, which specifies the types of activities in which you may engage with your Student Practice Rule certification.
6. You should also carefully study the text of § 50.03 of the Rule, which describes the kind of supervision that is required when you are engaging in activities authorized by the Rule. **Section 50.03(5) is important because it describes the situations in which you may appear in court in the absence of your supervising attorney.**
7. You should provide a copy of your Student Practice Rule certification and these instructions to the lawyer who supervises your Student Practice Rule activities.
8. Unlike its predecessor, the new Rule does not require that attorneys sign any forms consenting to the supervision of law students in those activities authorized by the Rule.

Questions you may have about Wisconsin's Student Practice Rule may be directed to Professor Thomas Hammer, the Director of Clinical Education for Marquette University Law School.

WISCONSIN STUDENT PRACTICE RULE

PROVISIONS OF WISCONSIN SUPREME COURT RULES CHAPTER 50 FOR THE PRACTICAL TRAINING OF LAW STUDENTS

(Effective Date: July 1, 2021)

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 clerk of supreme court.
- (2) The student shall obtain the applicable certification form from the clerk of supreme court, 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 clerk of the supreme court.
- (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 shall be withdrawn by the student's law school if the student ceases to be regularly enrolled in law school without graduating. The law school shall send notice to the supervising attorney and the clerk of the supreme court. The certification may be withdrawn if the supervising attorney notifies the clerk of the supreme court that supervision of the student will cease. The clerk shall send notice to the student and the student's law school. The student's law school may, upon notice to the clerk, issue a modified certification reflecting the substitution of a new supervising attorney.

(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) ten, if the lawyer spends on average more than 20 hours per week supervising the clinical education of students; (b) five, if the lawyer spends on average 20 hours or fewer per week supervising the clinical education of students; (c) five, 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 Wis. Stat. § (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 SCR 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.