

**CHAPTER 11. RULES GOVERNING THE LAW SCHOOL
PRACTICE PROGRAM
11-1. GENERALLY
RULE 11-1.1 PURPOSE**

The bench and the bar are primarily responsible for providing competent legal services for all persons, including those unable to pay for these services. As one means of providing assistance to lawyers who represent clients unable to pay for legal services and to encourage law schools to provide clinical instruction in trial work of varying kinds, the following rules are adopted.

Amended April 21, 1994 (635 So.2d 968); amended March 16, 2023, effective May 15, 2023 (SC22-1292).

RULE 11-1.2 ACTIVITIES

(a) Definition. A law school practice program is a credit-bearing clinical program coordinated by a law school in which students directly provide representation to clients in litigation under the supervision of a lawyer.

(b) Appearance in Court or Administrative Proceedings. An eligible law student may appear in any court or before any administrative tribunal in this state on behalf of any indigent person if the person on whose behalf the student is appearing has consented orally on the record or in writing to that appearance and the supervising lawyer has approved that appearance orally on the record or in writing. In those cases in which the indigent person has a right to appointed counsel, the supervising lawyer must be personally present at all critical stages of the proceeding. In all cases, the supervising lawyer must be personally present when required by the court or administrative tribunal, which determines the extent of the eligible law student's participation in the proceeding.

(c) Appearance for the State in Criminal Proceedings. An eligible law student may appear in any criminal matter on behalf of the state with the written approval of the state attorney or the attorney general and of the supervising lawyer. The supervising

lawyer must be personally present when required by the court, which determines the extent of the law student's participation in the proceeding.

(d) Appearance on Behalf of Governmental Officers or Entities. An eligible law student may appear in any court or before any administrative tribunal in any civil matter on behalf of the state, state officers, or state agencies, or on behalf of a municipality or county that has a full-time legal staff with the written approval of the lawyer representing the state, state officer, state agency, municipality, or county. The lawyer representing the state, state officer, state agency, municipality, or county must supervise the law student and be personally present when required by the court or administrative tribunal, which determines the extent of the law student's participation in the proceeding.

(e) Filing of Consent and Approval. In each case, the written consent and approval referred to above must be filed in the record of the case and brought to the attention of the judge of the court or the presiding officer of the administrative tribunal. If the client is the state attorney, state officer, or governmental entity, filing the written consent and approval with the clerk and each presiding judge once for the term of the student's participation is sufficient.

(f) Personal Appearance for Virtual Proceedings. A supervising lawyer's personal presence in a virtual proceeding includes remote audio-video supervision only if the supervising lawyer and eligible law student maintain a separate, confidential communication channel during the proceeding.

Amended April 2, 1992 (596 So.2d 453); July 23, 1992, effective Jan. 1, 1993 (605 So.2d 252); April 21, 1994 (635 So.2d 968); amended March 16, 2023, effective May 15, 2023 (SC22-1292); amended August 29, 2024, effective October 28, 2024 (SC2024-0236).

RULE 11-1.3 REQUIREMENTS AND LIMITATIONS

In order to make an appearance under this chapter, the law student must:

(a) file a Registrant Bar Application or Florida Bar Application with the Florida Board of Bar Examiners;

(b) pass a criminal fingerprint check conducted by the Florida Board of Bar Examiners or receive a letter of clearance as to character and fitness from the Florida Board of Bar Examiners;

(c) be enrolled in an American Bar Association approved law school in the United States and appear as part of a law school practice program;

(d) have completed legal studies amounting to at least 2 semesters or 3 quarters for which the student has received not less than 24 semester hours or 36 quarter hours of academic credit or the equivalent;

(e) be certified by the dean, or the dean's designee, of the student's law school as being of good character and competent legal ability and as adequately trained to perform as a legal intern in a law school practice program;

(f) be introduced to the court in which the student is appearing by a lawyer admitted to practice in that court;

(g) neither ask for nor receive any compensation or remuneration of any kind for the student's services from the person on whose behalf the student renders services; except that a state attorney, public defender, legal aid organization, state officer, or governmental entity may pay compensation to the eligible law student and charge for services; and

(h) certify in writing that the law student has read and will abide by the Rules of Professional Conduct as adopted by the Supreme Court of Florida.

Amended July 23, 1992, effective Jan. 1, 1993 (605 So.2d 252); April 21, 1994 (635 So.2d 968); July 5, 2007, effective August 1, 2007 (SC03-122), (964 So.2d 690); amended and effective sua sponte by the Supreme Court of Florida on January 27, 2022 (SC21-1616); amended March 16, 2023, effective May 15, 2023 (SC22-1292); amended August 29, 2024, effective October 28, 2024 (SC2024-0236).

RULE 11-1.4 CERTIFICATION OF STUDENT

The certification of a student by the law school dean or the dean's designee:

(a) must be filed with the clerk of the Supreme Court of Florida, where it remains in effect for 18 months after it is filed unless withdrawn sooner;

(b) may be withdrawn by the dean, or the dean's designee, at any time by mailing a notice, that does not need to include the cause for withdrawal, to the clerk of the Supreme Court of Florida;

(c) may be terminated by the Supreme Court of Florida at any time without notice or hearing and without any showing of cause.

Amended July 23, 1992, effective Jan. 1, 1993 (605 So.2d 252); April 21, 1994 (635 So.2d 968); amended and effective sua sponte by the Supreme Court of Florida on January 27, 2022 (SC21-1616); amended March 16, 2023, effective May 15, 2023 (SC22-1292).

RULE 11-1.5 APPROVAL OF LEGAL AID ORGANIZATION

Legal aid organizations that provide a majority of their legal services to the indigent and use law student interns under this chapter must be approved by the Supreme Court of Florida. A legal aid organization seeking approval must file a petition with the clerk of the court certifying that it is a nonprofit organization and stating with specificity the:

(a) structure of the organization and whether it accepts funds from its clients;

(b) major sources of funds used by the organization;

(c) criteria used to determine potential clients' eligibility for legal services performed by the organization;

(d) types of legal and nonlegal services performed by the organization; and

(e) names of all Florida Bar members who are employed by the organization or who regularly perform legal work for the organization.

Legal aid organizations under this chapter are under a continuing duty to notify the court promptly of any significant modification to their structure or sources of funds.

Added April 21, 1994 (635 So.2d 968); amended July 5, 2007, effective August 1, 2007 (SC03-122), (964 So.2d 690); amended March 16, 2023, effective May 15, 2023 (SC22-1292).

RULE 11-1.6 OTHER ACTIVITIES

(a) Preparation of Documents; Assistance of Indigents. An eligible law student may engage in other activities, under the general supervision of a member of The Florida Bar, but outside the personal presence of that lawyer, including preparation of:

(1) pleadings and other documents to be filed in any matter in which the student is eligible to appear, signed by the supervising lawyer;

(2) briefs, abstracts, and other documents to be filed in appellate courts of this state, signed by the supervising lawyer;

(3) applications and supporting documents for post-conviction relief to indigent inmates of correctional institutions or other persons who request assistance, except when the assignment of counsel in the matter is required by any constitutional provision, statute, or rule of this court. If there is a lawyer of record in the matter, all assistance must be supervised by and all documents submitted to the court must be signed by, that lawyer.

(b) Identification of Student in Documents and Pleadings. Each document or pleading must contain the name of the eligible law student who has participated in drafting it. If the student participated in drafting only a portion of it, that fact may be mentioned.

(c) Participation in Oral Argument. An eligible law student may participate in oral argument in appellate courts but only in the presence of the supervising lawyer.

Former Rule 11-1.5. Amended July 23, 1992, effective Jan. 1, 1993 (605 So.2d 252); renumbered and amended April 21, 1994 (635 So.2d 968); amended March 16, 2023, effective May 15, 2023 (SC22-1292).

RULE 11-1.7 SUPERVISION

A supervising lawyer under this chapter must:

(a) be a member of The Florida Bar in good standing and eligible to practice law in Florida whose service as a supervising lawyer for this program is approved by the dean of the law school in which the law student is enrolled;

(b) be a lawyer employed by a state attorney, public defender, an approved legal aid organization, a state officer, or a governmental entity enumerated in rule 11-1.2;

(c) assume personal professional responsibility for the student's guidance in any work undertaken and for supervising the quality of the student's work; and

(d) assist the student in the student's preparation to the extent the supervising lawyer considers it necessary.

Former Rule 11-1.5. Amended July 23, 1992, effective Jan. 1, 1993 (605 So.2d 252); renumbered and amended April 21, 1994 (635 So.2d 968), amended November 9, 2017, effective February 1, 2018 (SC16-1962); amended March 16, 2023, effective May 15, 2023 (SC22-1292).

RULE 11-1.8 PRACTICE AFTER GRADUATION

(a) Certification. A law student at an American Bar Association-approved Florida law school who has applied for admission to The Florida Bar, received an initial clearance letter as to character and fitness from the Florida Board of Bar Examiners, completed a law school practice program awarding a minimum of 3 semester credit hours or the equivalent or requiring at least 200

hours of actual participation in the program, and whose law school dean has withdrawn certification for the program may make appearances for any of the same supervisory authorities under the same circumstances and restrictions that were applicable to students in law school programs under this chapter if the supervising lawyer:

(1) files a certification in the same manner and subject to the same limitations as that required to be filed by the law school dean;

(2) further certifies that the lawyer assumes the duties and responsibilities of a supervising lawyer under this chapter; and

(3) files a separate certificate of the dean stating that the law student has successfully completed the law school practice program. This certification may be withdrawn in the same manner as provided for the law school dean's withdrawal of certification.

(b) Certification of Law School Graduates. A graduate of an American Bar Association-approved law school who has filed an application to The Florida Bar and received an initial clearance letter as to character and fitness from the Florida Board of Bar Examiners may appear for the maximum term of certification of 18 months from graduation for the same entities and under the same restrictions that apply to students in law school practice programs under this chapter if the supervising lawyer:

(1) files a certificate of the dean of the law school, or a person designated by the dean, that the applicant graduated from law school on the date stated in the certificate;

(2) files the Florida Board of Bar Examiner's initial clearance letter of the applicant as to character and fitness; and

(3) further certifies that the lawyer assumes the duties and responsibilities of the supervising lawyer as provided by other provisions of this rule.

(c) Term of Certification. The maximum term of certification for graduates is 18 months from the date of graduation.

(d) Termination of Certification. Failure to take the next available Florida bar examination, failure of any portion of the Florida bar examination on the third administration if a third administration is required, or denial of admission to The Florida Bar terminates certification under this rule.

(e) Withdrawal of Certification. Certification may be withdrawn in the same manner as the law school dean's withdrawal of certification.

Former Rule 11-1.8. Amended effective June 4, 1992, (602 So.2d 914); amended July 23, 1992, effective Jan. 1, 1993 (605 So.2d 252); renumbered and amended April 21, 1994 and July 7, 1994 (635 So.2d 968); amended July 5, 2007, effective August 1, 2007 (SC03-122), (964 So.2d 690); amended March 16, 2023, effective May 15, 2023 (SC22-1292); amended and effective February 15, 2024 (SC24-0053).

RULE 11-1.9 CERTIFICATION OF MEMBERS OF OUT-OF-STATE BARS

(a) Persons Authorized to Appear. A member of an out-of-state bar may practice law in Florida under this chapter if the member of the out-of-state bar:

- (1) is an employee of the attorney general, a state attorney, a public defender, or the capital collateral representative;
- (2) has applied for admission to The Florida Bar;
- (3) submits to the jurisdiction of the Supreme Court of Florida for disciplinary purposes; and
- (4) is in good standing with that bar, is eligible to practice law in that jurisdiction, and is not currently the subject of disciplinary proceedings.

(b) Term of Certification. The maximum term of certification under this section is 12 months from the date of certification but may be extended beyond 12 months if the certificate holder has passed the Florida bar examination and is

awaiting the results of the character and fitness evaluation of the Florida Board of Bar Examiners.

(c) Termination of Certification. Failure to take the next available Florida bar examination, failure of any portion of the Florida bar examination, or denial of admission to The Florida Bar terminates certification under this rule.

(d) Withdrawal of Certification. Certification may be withdrawn in the same manner as the law school dean's withdrawal of certification.

Added April 21, 1994(635 So.2d 968), amended November 9, 2017, effective February 1, 2018 (SC16-1962); amended March 16, 2023, effective May 15, 2023 (SC22-1292).