

COMMONWEALTH OF MASSACHUSETTS

Supreme Judicial Court

At the Supreme Judicial Court holden at Boston within and for said Commonwealth on the twenty-fifth day of September in the year two thousand and twenty-five:

present,

<u>KIMBERLY S. BUDD</u>)	Chief Justice
)	
<u>FRANK M. GAZIANO</u>)	
)	
)	
<u>SCOTT L. KAFKER</u>)	Justices
)	
)	
<u>DALILA ARGAEZ WENDLANDT</u>)	
)	
)	
<u>SERGE GEORGES, JR.</u>)	
)	
)	
<u>ELIZABETH N. DEWAR</u>)	
)	
)	
<u>GABRIELLE R. WOLOHOJIAN</u>)	

ORDERED: That the Rules of the Supreme Judicial Court be amended as follows:

Rule 3:03

By striking the current Rule 3:03 and inserting in lieu thereof the new Rule 3:03, attached hereto.

The amendments accomplished by this order shall take effect on August 1, 2026.

It is further ordered that the Order Implementing Supreme Judicial Court Rule 3:03, adopted June 26, 1980, and amended June 7, 1985, and May 29, 1986, is hereby rescinded, effective August 1, 2026.

ORDERED:

<u>KIMBERLY S. BUDD</u>)	Chief Justice
)	
<u>FRANK M. GAZIANO</u>)	
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<u>SCOTT L. KAFKER</u>)	Justices
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<u>DALILA ARGAEZ WENDLANDT</u>)	
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<u>ELIZABETH N. DEWAR</u>)	
)	
<u>GABRIELLE R. WOLOHOJIAN</u>)	

Supreme Judicial Court Rule 3:03:

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SECTION 1. PURPOSE

To cultivate knowledge and competency in the practice of law and promote public service and access to justice, certain qualified and supervised law students and recent law school graduates may appear **without compensation** to represent a client as **student practitioners** before courts and administrative agencies in the Commonwealth of Massachusetts. Subject to the provisions of this rule and upon **being certified** by the **Clerk** of the Supreme Judicial Court for the county of Suffolk, student

practitioners may appear on behalf of the Commonwealth; any subdivision, municipality, or agency of the Commonwealth; indigent criminal defendants; and indigent parties in civil proceedings. Student practitioners must be supervised by an attorney as described in Section 5 of this rule. Rule 3:03 does not require that a law student be certified in order to participate in litigation lawfully conducted by another, when the participation consists of such activities as interviewing parties or witnesses, investigating facts or law, or writing briefs or memoranda.

SECTION 2. DEFINITIONS

"Accredited law school" shall mean a law school that has been accredited by the American Bar Association or authorized by statute of the Commonwealth to grant the degree of Bachelor of Laws, Juris Doctor, or Master of Laws.

"Attorney(s) affiliated" with certain entities shall mean members of the Massachusetts bar or lawyers who have been permitted to appear as attorneys in Massachusetts and are at all times qualified to appear before the court or other forum in which the student practitioner will appear. Such attorneys must be employed by that entity or work under the auspices or authority of that entity, including assistant district attorneys, assistant attorneys general, attorneys assigned to represent indigent criminal defendants through the Committee for Public Counsel Services, attorneys providing free civil legal aid to indigent persons through a legal aid organization or law firm, or attorneys representing other Commonwealth entities.

"Certification" or **"being certified"** is the determination by the Clerk that a student practitioner is generally eligible to appear before a court, tribunal, or agency, subject to the further requirements of this rule for the respective courts, tribunals, or agencies.

"Clerk" shall refer to the Clerk of the Supreme Judicial Court for the county of Suffolk.

"Clinical programs" are law school programs for credit in which law students gain practical experience with clients and legal matters under the supervision of a member of the Massachusetts bar, or by a person who has been permitted to appear as an attorney in Massachusetts, and who is otherwise qualified to appear in the court or forum where the student practitioner will appear. Clinical programs shall include

practice and classroom components that provide experiential learning opportunities for students to develop and practice the professional skills being taught.

"Commonwealth entity" shall mean public organizations such as district attorneys' offices and the attorney general's office, as well any subdivision or municipality or agency of the Commonwealth of Massachusetts.

"Dean" shall mean the dean of the law school or a designee who is authorized to act on behalf of the dean.

"Direct supervision" or **"directly supervised"** shall be construed to require the attendance of the supervising attorney, or another attorney affiliated with the same entity who is designated by the supervising attorney, with the student practitioner in a court, tribunal, or agency. Notwithstanding the provisions of this rule, a student practitioner may appear without direct supervision for ministerial tasks, such as the filing of paperwork or the selection of a further date.

"General supervision" or **"generally supervised"** shall be construed to require that the supervising attorney, or another attorney affiliated with the same entity who is designated by the supervising attorney, be available within a reasonable period of time telephonically or otherwise if needed but shall not require that the supervising attorney be present with the student practitioner in the court, tribunal, or agency.

"Student practitioner" is a currently enrolled law student or law school graduate who has been authorized and certified under the conditions set forth in this rule.

"Successfully completed" shall mean that the student has completed required coursework and has obtained credit or a passing grade for a class or program.

"Trial practice" is a law school class for credit in which a law student is taught procedural and substantive principles of law that enable the law student to advocate and present evidence effectively and ethically before a court or tribunal.

"Without compensation" shall be construed to prohibit the receipt of a fee by a student practitioner from a client for work on a particular matter and shall not be construed to prohibit the receipt of a fixed compensation paid regularly by a

law school, Commonwealth entity, legal aid organization, or law firm as the employer of a student practitioner.

SECTION 3. CERTIFICATION OF ELIGIBILITY

3.1. Clerk's Certification

The **dean** of an **accredited law school** may apply to the **Clerk** to certify currently enrolled law students as **student practitioners**. To obtain this **certification**, the dean shall file such forms as the Clerk may prescribe, setting forth the following information:

- (a) the student's current year in law school and expected date of graduation;
- (b) the name of the law school **clinical program**, **Commonwealth entity**, organization providing civil legal aid or criminal defense to indigent persons, or law firm providing pro bono civil legal aid or criminal defense to indigent persons through which the student will be appearing;
- (c) the beginning date and, if known, the expected end date of the student's enrollment in the clinical program or association with the Commonwealth entity or organization or law firm;
- (d) the name and Board of Bar Overseers registration number of the student's supervising attorney(s); and
- (e) the dean's attestation:
 - (i) to the student's character, legal ability, and training;
 - (ii) that the student has **successfully completed** the requirements of the first year of law school study at a three-year program or its equivalent;
 - (iii) that the student has successfully completed a course in legal research and writing, and has successfully completed or is enrolled in courses for credit in (a) evidence or **trial practice** and (b) legal ethics or professional responsibility, or in clinical programs that include instruction in those subjects; and

- (iv) that the student has affirmed to the dean in writing that the student is familiar with the Massachusetts Rules of Professional Conduct, the Massachusetts Rules of Civil Procedure, the Massachusetts Rules of Criminal Procedure, and the provisions of this rule.

3.2. Expiration of Certification

A student practitioner's certification shall expire immediately when a student practitioner:

- (a) is no longer enrolled in or associated with the law school clinical program, or with the Commonwealth entity or organization providing civil legal aid or criminal defense to indigent persons, or with a law firm providing pro bono civil legal aid or criminal defense to indigent persons through which the student practitioner was certified to appear pursuant to Sections 3.1 or 3.3 of this rule; or
- (b) graduates from law school, except a graduate may continue to appear as a student practitioner if the graduate meets the requirements of Section 3.4 of this rule; or
- (c) has been placed on academic probation or otherwise has separated from the law school without having graduated.

3.3. New Certification

When a student practitioner's certification has expired or ended pursuant to Section 3.2, the dean may reapply for the student practitioner's certification by complying with the requirements of Section 3.1.

3.4. Law School Graduate Student Practitioner Certification

- (a) Certification for a law school graduate continuing work in the same placement.

A law school graduate who is certified at the time of graduation in accordance with this rule may continue to appear as a student practitioner after graduation until expiration of the certification pursuant to Section 3.4(d) provided that the graduate has otherwise complied with all the requirements of

this rule, notifies the Clerk in writing, and makes a timely application to sit for the first bar examination following graduation.

- (b) Certification for a law school graduate working in a new placement.

A law school graduate who was previously certified during law school in accordance with this rule may apply for a new certification to appear as a student practitioner after graduation. To obtain this certification, the graduate shall file such forms as the Clerk may prescribe, setting forth the following information:

- (i) a statement that the graduate was previously certified pursuant to this rule and the name of the law school clinical program, Commonwealth entity, organization providing civil legal aid or criminal defense to indigent persons, or law firm providing pro bono civil legal aid or criminal defense to indigent persons through which the student previously appeared;
 - (ii) the name of the Commonwealth entity, organization providing civil legal aid or criminal defense to indigent persons, or law firm providing pro bono civil legal aid or criminal defense to indigent persons through which the student will be appearing after graduation;
 - (iii) a statement confirming the date that the law degree was conferred;
 - (iv) a statement that the graduate is scheduled to sit for the first bar examination following graduation; and
 - (v) the name and Board of Bar Overseers registration number of the student's supervising attorney(s).
- (c) Reciprocal certification for a law school graduate previously certified in another jurisdiction.

A law school graduate from an accredited law school who has been certified in another jurisdiction within the United States under an equivalent student practice rule may apply for

certification to appear as a student practitioner after graduation. To obtain this certification, the graduate shall file such forms as the Clerk may prescribe, including the following:

- (i) the information required by Section 3.4(b) (ii)-(v);
- (ii) a verification that the graduate was certified to appear as a student practitioner in another jurisdiction with a copy of that jurisdiction's student practice rule; and
- (iii) a statement affirming in writing that the graduate is familiar with the Massachusetts Rules of Professional Conduct, the Massachusetts Rules of Civil Procedure, the Massachusetts Rules of Criminal Procedure, and the provisions of this rule.

(d) Effective period for all graduate certifications.

The law school graduate's certification shall expire if the graduate did not sit for or pass the first available bar examination following graduation from law school. Any graduate who continued to appear as a student practitioner must notify the Clerk within seven (7) days from:

- (i) the first date of the bar examination if the student practitioner did not sit for the first available bar examination following graduation from law school; or
- (ii) the announcement of bar results if the student practitioner did not pass the first available bar examination following graduation from law school.

(e) Continuation of graduate certification until admission to the bar.

Unless otherwise ordered by the Supreme Judicial Court, the certification of any graduate who passes the first available bar examination following graduation from law school shall continue in effect until the sooner of:

- (i) six months after the date of the bar examination;
or
- (ii) the date of the graduate's admission to the bar.

**SECTION 4. COURT REQUIREMENTS, SCOPE OF PRACTICE,
LIMITATIONS, AND PRIVILEGES**

4.1. Notice of Appearance

- (a) Requirement to file a notice of appearance.

Except as provided in subsection (b), a **student practitioner** appearing for a client shall file a written notice of appearance at the first appearance in each case. The notice shall include:

- (i) the student practitioner's name and signature;
- (ii) the supervising attorney's name and board of bar overseers number;
- (iii) the expected end date, if known, of the student's enrollment in the **clinical program** or association with the **Commonwealth entity**, or organization or law firm, as disclosed in Section 3.1(c) or the date applicable in Section 3.4;
- (iv) a signed statement by the student practitioner and the supervising attorney confirming the student practitioner's current **certification** under this rule and eligibility to appear before the court as set forth in the following subsections of Section 4 of this rule; and
- (v) if applicable, a representation that the student practitioner has documented the client's acknowledgment of student representation as required by Section 5.2(b).

For each subsequent appearance the student practitioner shall state on the record the student practitioner's name and certification status under this rule, and the supervising attorney's name.

- (b) Exception for appearances on behalf of the Commonwealth.

A student practitioner representing the Commonwealth, or any subdivision, municipality, or agency that is exempt from filing a notice of appearance in a pending case or matter, is not required to file a written notice of appearance as required by Section 4.1(a). However, for each appearance, the student practitioner must state on the record the student practitioner's name and certification status under this rule, and the supervising attorney's name.

4.2. Boston Municipal Court, District Court, Housing Court, Juvenile Court, Land Court, and Probate and Family Court

A student practitioner certified under this rule may appear before the Boston Municipal Court, the District Court, the Housing Court, the Juvenile Court, the Land Court, and the Probate and Family Court under the following circumstances.

- (a) Criminal matters.

- (i) A student practitioner may appear on criminal matters with **general supervision** if the student practitioner has **successfully completed** (1) two-thirds of the requirements of law school and (2) a course for credit in criminal procedure or a clinical program that includes instruction in criminal procedure.
- (ii) A student practitioner may appear on criminal matters with **direct supervision** if the student practitioner is enrolled in or has successfully completed (1) a law school criminal clinical program and (2) a course for credit in criminal procedure or a clinical program that includes instruction in criminal procedure.

- (b) Civil matters.

- (i) A student practitioner may appear on civil matters with general supervision if the student practitioner has successfully completed (1) two-thirds of the requirements of law school and (2) a course for credit in civil procedure.

- (ii) A student practitioner may appear on civil matters with direct supervision if the student practitioner is enrolled in or has successfully completed (1) a law school civil clinical program and (2) a course for credit in civil procedure.

4.3. Superior Court

A student practitioner with direct supervision may appear before the Superior Court under the following circumstances.

- (a) Criminal matters.

A student practitioner who has successfully completed two-thirds of the requirements for law school, and is enrolled in or has successfully completed a course in criminal procedure or a clinical program that includes instruction in criminal procedure, may appear on the following criminal matters:

- (i) arraignment in a matter where the maximum sentence is less than imprisonment for life;
- (ii) initial probation violation hearings;
- (iii) non-evidentiary pretrial hearings for motions to dismiss and motions to suppress search warrants in a matter where the maximum sentence is less than imprisonment for life;
- (iv) non-evidentiary pre-trial hearings for motions *in limine* subject to preservation of rights at trial in a matter where the maximum sentence is less than imprisonment for life;
- (v) as second seat at any trial or pre-trial hearings, except that the student practitioner may not argue motions, examine witnesses, or make arguments during the proceeding unless permission to do so is requested and granted by the presiding judge; provided that, where a student practitioner is representing a criminal defendant, the judge shall hold a colloquy on the record confirming the client's knowing and voluntary approval of the student practitioner's proposed role; and

- (vi) hearings on motions for a new trial seeking post-conviction relief after the time for direct appeal has expired or direct appellate rights have been exhausted.

(b) Civil matters.

A student practitioner who has successfully completed a course in civil procedure and is enrolled in or has successfully completed a law school civil clinical program may appear in any civil matter.

4.4. Appeals Court

(a) Notice of appearance.

A student practitioner may appear before the Appeals Court provided that, at any time and no later than fourteen (14) days prior to oral argument, the student practitioner and supervising attorney file in each case in which the student practitioner intends to appear the notice of appearance required by Section 4.1, including attestations that:

- (i) the student is familiar with the Massachusetts Rules of Appellate Procedure; and
- (ii) the supervising attorney will be present at any oral argument and be prepared to answer any questions the student practitioner cannot.

(b) By motion.

Notwithstanding other provisions of this rule, an attorney with a matter pending before the Appeals Court may seek leave of the Appeals Court to allow a law student who is currently enrolled in or graduated from an **accredited law school** to argue before the Appeals Court for that particular matter. For purposes of this section, a student who has graduated from an accredited law school may argue only if that graduate is scheduled to sit for, is awaiting the results of, or has passed the bar exam in the first attempt. Such a request must be made no later than fourteen (14) days prior to oral argument, and the law student or graduate and supervising attorney shall file a motion for leave to appear in the case. The motion shall include the information required by Section 4.1(a)(i)-(ii) and (v) and parts (a)(i) and (ii) of this section and any other

information the law student or graduate believes supports the motion for leave to appear.

4.5. Supreme Judicial Court

A student practitioner may appear before the Supreme Judicial Court provided that, no later than thirty (30) days prior to oral argument, the student practitioner and supervising attorney shall file a Motion for Leave to Appear in the case in which the student practitioner seeks to appear, and the motion is granted. The Motion for Leave to Appear shall include the information required by Section 4.1(a), including attestations that:

- (a) the student is familiar with the Massachusetts Rules of Appellate Procedure; and
- (b) the supervising attorney will be present at any oral argument and prepared to answer any questions the student practitioner cannot.

4.6. Administrative Agencies

A student practitioner certified under this rule may appear before any administrative agency of the Commonwealth under the following circumstances, provided such appearance is not inconsistent with the rules, requirements, and guidelines of that agency.

- (a) A student practitioner who has successfully completed two-thirds of the requirements of law school may appear with general supervision.
- (b) A student practitioner may otherwise appear with direct supervision.

4.7. Limitations of Student Practice

Absent unusual circumstances, and in keeping with the purposes of Rule 3:03, as delineated in Section 1, justices, judges, and presiding officers should permit student practitioners to appear as set forth in this rule, provided the student practitioner is sufficiently prepared, knowledgeable, and competent to appear before the particular court or agency and their educational experience will not interfere with the orderly administration of justice. Nothing in this rule shall be construed to limit the discretion of justices, judges, and

presiding officers to prescribe the form or manner in which cases are presented to protect the orderly administration of justice. If a limitation is ordered, the justice, judge, or presiding officer must grant a reasonable continuance for the matter, if requested and necessary to protect the party represented by the student practitioner.

4.8. Privileged Communications

The rules of law and evidence relating to privileged communications between attorneys and clients shall govern communications made or received between student practitioners and their clients.

SECTION 5. RESPONSIBILITIES

5.1. Supervising Attorney Responsibilities

Student practitioners must be supervised by an **attorney affiliated** with a law school **clinical program, Commonwealth entity**, organization providing civil legal aid or criminal defense to indigent persons, or law firm providing pro bono civil legal aid or criminal defense to indigent persons. A person serving as a supervising attorney must:

- (a) ensure that the student practitioner is sufficiently prepared and competent to appear and is familiar with the rules, standing orders, and regulations of the court or forum in which the student practitioner will appear; and
- (b) review and sign all pleadings, motions, and memoranda before they are submitted by a student practitioner.

Failure of an attorney to supervise and provide proper training to a student practitioner may be grounds for disciplinary action or revoking or restricting that attorney's ability to serve as a supervising attorney.

5.2. Student Practitioner Responsibilities

Before a student practitioner may act or appear on behalf of an individual client under this rule, the student practitioner shall:

- (a) disclose to the client the student practitioner's status as a law student;

- (b) obtain from the client a signed document in which the client acknowledges the student practitioner's status and authorizes the student practitioner to appear and represent the client in the matter identified in said document;
- (c) obtain the signature of the student practitioner's supervising attorney acknowledging that the attorney will serve as the student practitioner's supervising attorney; and
- (d) comply with the standards of professional conduct set forth in this rule and Supreme Judicial Court Rule 3:07.

SECTION 6. NOTIFICATION REQUIREMENTS

6.1. Supervising Attorney Notification Requirements

A supervising attorney must notify the **Clerk** and the respective court or agency before which the **student practitioner** was appearing in writing within seven (7) days when:

- (a) the supervising attorney will no longer be regularly supervising a currently **certified** student practitioner if that supervision terminates prior to the date disclosed in Section 3.1(c) or the dates applicable in Section 3.4, provided that, if the student practitioner will continue to be enrolled in or affiliated with the program, the name of a replacement supervising attorney must be disclosed in the notification; or
- (b) a student practitioner ceases to be associated with or employed by the **Commonwealth entity**, organization providing civil legal aid or criminal defense to indigent persons, or law firm providing pro bono civil legal aid or criminal defense to indigent persons, if that association or employment has ended prior to the date disclosed in Section 3.1(c) or the dates applicable in Section 3.4.

6.2. Student Practitioner Notification Requirements

A student practitioner must notify the Clerk and the respective court or agency in writing and file a withdrawal of appearance in any matter in which the student practitioner was

appearing within seven (7) days when the student practitioner ceases to be affiliated with or employed by the Commonwealth entity, organization providing civil legal aid or criminal defense to indigent persons, or law firm providing pro bono civil legal aid or criminal defense to indigent persons, if that association or employment has ended prior to the date disclosed in Section 3.1(c) or the dates applicable in Section 3.4.

6.3. Dean Notification Requirements

The law school **dean** must notify the Clerk in writing within seven (7) days when, before graduation, a student practitioner ceases to be enrolled in or associated with the law school or when the student practitioner's enrollment or association with the **clinical program** through which the student practitioner was certified to appear ends prior to the date provided in Section 3.1(c) of this rule.