

27 NCAC 01C .0205 SUPERVISION

(a) Supervision Requirements. A supervising attorney shall:

- (1) for a law school clinic, concurrently supervise an unlimited number of certified law students if the supervising attorney is a full-time, part-time, or adjunct member of a law school's faculty or staff whose primary responsibility is supervising certified law students in a law school clinic and, further provided, the number of certified law students concurrently supervised is not so large as to compromise the effective and beneficial practical training of the certified law students or the competent representation of clients;
- (2) for a student practice placement, concurrently supervise no more than two certified law students; however, a greater number of certified law students may be concurrently supervised by a single supervising attorney if (i) an appropriate faculty member of each certified law student's law school determines, in his or her reasoned discretion, that the effective and beneficial practical training of the certified law students will not be compromised, and (ii) the supervising attorney determines that the competent representation of clients will not be compromised;
- (3) assume personal and professional responsibility for any work undertaken by a certified law student while under his or her supervision;
- (4) assist and counsel with a certified law student in the activities permitted by these rules and review such activities with the certified law student, all to the extent required for the proper practical training of the student and the competent representation of the client;
- (5) read, approve, and personally sign any pleadings or other papers prepared by a certified law student prior to the filing thereof, and read and approve any documents prepared by a certified law student for execution by a client or third party prior to the execution thereof; and
- (6) for externships and internships (other than placements at government agencies), ensure that any activities by the certified law student that are authorized by Rule .0206 are limited to representations of eligible persons.

(b) Filing Requirements.

- (1) Prior to commencing supervision, a supervising attorney in a law school clinic shall provide a signed statement to the North Carolina State Bar (i) assuming responsibility for the supervision of identified certified law students, (ii) stating the period during which the supervising attorney expects to supervise the activities of the identified certified law students, and (iii) certifying that the supervising attorney will adequately supervise the certified law students in accordance with these rules.
- (2) Prior to the commencement of a student practice placement for a certified law student, the site supervisor shall provide a signed statement to the North Carolina State Bar and to the certified law student's law school (i) assuming responsibility for the administration of the field placement in compliance with these rules, (ii) identifying the participating certified law student and stating the period during which the certified law student is expected to participate in the program at the placement, (iii) identifying the supervising attorney at the placement, and (iv) certifying that the supervising attorney will adequately supervise the certified law student in accordance with these rules.
- (3) A supervising attorney in a law school clinic and a site supervisor for a certified law student program at a student practice placement shall notify the North Carolina State Bar in writing promptly whenever the supervision of a certified law student concludes prior to the designated period of supervision.

(c) Responsibilities of Law School Clinic in Absence of Certified Law Student. During any period when a certified law student is not available to provide representation due to law school seasonal breaks, graduation, or other reason, the supervising attorney shall maintain the status quo of a client matter and shall take action as necessary to protect the interests of the client until the certified law student is available or a new certified law student is assigned to the matter. During law school seasonal breaks, or other periods when a certified law student is not available, if a law school clinic or a supervising attorney is presented with an inquiry from an eligible person or a legal matter that may be appropriate for representation by a certified law student, the representation may be undertaken by a supervising attorney to preserve the matter for subsequent representation by a certified law student. Communications by a supervising attorney with a prospective client to determine whether the prospective client is eligible for clinic representation may include providing immediate legal advice or information even if it is subsequently determined that the matter is not appropriate for clinic representation.

(d) Independent Legal Practice. Nothing in these rules prohibits a supervising attorney in a law school clinic from providing legal services to third parties outside of the scope of the supervising attorney's employment by the law school operating the law school clinic.

History Note: Authority G.S. 84-7.1; 84-23;
Readopted Eff. December 8, 1994;
Amendments Approved by the Supreme Court: June 7, 2001; March 6, 2002; March 6, 2008;
September 24, 2015; September 25, 2019; April 21, 2021.