

**SUBCHAPTER 01C - RULES GOVERNING THE BOARD OF LAW EXAMINERS AND THE TRAINING OF LAW STUDENTS**

**SECTION .0100 - BOARD OF LAW EXAMINERS**

**27 NCAC 01C .0101 ELECTION**

- (a) The Board of Law Examiners shall consist of 11 members. The members are appointed for three-year terms to serve until expiration of the term, resignation, death, or other cause for termination of members' service.
- (b) The council, in making appointments to the Board of Law Examiners, shall make appointments for no more than four consecutive three-year terms, not counting any partial term which may have previously been served.
- (c) The council shall appoint board members for three-year terms at its annual meeting in October, with the term of service to begin on the following January 1. Appointment of a board member to complete an unexpired term shall be conducted at the next meeting of the council following the termination of service by the member and the giving of notice of the vacancy.
- (d) When vacancies occur for the Board of Law Examiners, notice shall be published in the official publication of the North Carolina State Bar giving the date by which any person desiring to make a suggestion for someone to be considered as a possible member of the Board of Law Examiners must submit the name to the North Carolina State Bar.
- (e) In considering an appointment to the Board of Law Examiners, the council may consult with current members of the Board of Law Examiners and consider factors such as geography, practice area, gender, and racial diversity.
- (f) No member of the council shall be a member of the Board of Law Examiners.
- (g) Any former Board of Law Examiners member being considered for appointment as emeritus member shall have served on the Board of Law Examiners for not less than five years.

*History Note:* Authority G.S. 84-24;  
Readopted Eff. December 8, 1994;  
Amended Eff. June 9, 2016.

**27 NCAC 01C .0102 EXAMINATION OF APPLICANTS FOR LICENSE**

All applicants for admission to the Bar shall first obtain a certificate or license from the Board of Law Examiners in accordance with the rules and regulations of that board.

*History Note:* Authority G.S. 84-24;  
Readopted Eff. December 8, 1994.

**27 NCAC 01C .0103 ADMISSION TO PRACTICE**

Upon receiving license to practice law from the Board of Law Examiners, the applicant shall be admitted to the practice thereof by taking the oath in the manner and form now provided by law.

*History Note:* Authority G.S. 84-24;  
Readopted Eff. December 8, 1994.

**27 NCAC 01C .0104 APPROVAL OF RULES AND REGULATIONS OF BOARD OF LAW EXAMINERS**

The council shall, as soon as possible, after the presentation to it of rules and regulations for admission to the Bar, approve or disapprove such rules and regulations. The rules and regulations approved shall immediately be certified to the Supreme Court. Such rules and regulations as may not be approved by the council shall be the subject of further study and action, and for the purpose of study, the council and Board of Law Examiners may sit in joint session. No action, however, shall be taken by the joint meeting, but each shall act separately, and no rule or regulation shall be certified to the Supreme Court until approved by the council.

*History Note:* Authority G.S. 84-24;  
Readopted Eff. December 8, 1994.

## **27 NCAC 01C .0105 APPROVAL OF LAW SCHOOLS**

Every applicant for admission to the North Carolina State Bar must meet the requirements set out in at least one of the numbered paragraphs below:

- (1) The applicant holds an LL.B or J.D. degree from a law school that was approved by the American Bar Association at the time the degree was conferred; or
- (2) Prior to August 1995, the applicant received an LL.B., J.D., LL.M., or S.J.D. degree from a law school that was approved by the council of the N.C. State Bar at the time the degree was conferred;
- (3) Prior to August 2005, the applicant received an LL.M or S.J.D. degree from a law school that was approved by the American Bar Association at the time the degree was conferred.
- (4) The applicant holds an LL.B. or J.D. degree from a law school that was approved for licensure purposes in another state of the United States or the District of Columbia and was licensed in such state or district.

*History Note:* Authority G.S. 84-24;  
Adopted March 3, 1999;  
Amendments Approved by the Supreme Court: September 22, 2016; March 5, 2015; February 27, 2003.

## **SECTION .0200 - RULES GOVERNING PRACTICAL TRAINING OF LAW STUDENTS**

### **27 NCAC 01C .0201 PURPOSE**

The following rules are adopted to encourage law schools to provide their students with supervised practical training of varying kinds during the period of their formal legal education and to enable law students to obtain supervised practical training while serving as legal interns for government agencies.

*History Note:* Authority G.S. 84-23;  
Readopted Eff. December 8, 1994;  
Amended Eff. March 6, 2008; June 7, 2001.

### **27 NCAC 01C .0202 DEFINITIONS**

The following definitions shall apply to the terms used in this section:

- (1) Eligible persons - Persons who are unable financially to pay for the legal services of an attorney, as determined by a standard established by a judge of the General Court of Justice, a legal services corporation, or a law school legal aid clinic providing representation. "Eligible persons" includes non-profit organizations serving low-income communities.
- (2) Government agencies - The federal or state government, any local government, or any agency, department, unit, or other entity of federal, state, or local government, specifically including a public defender's office or a district attorney's office.
- (3) Law school - An ABA accredited law school or a law school actively seeking accreditation from the ABA and licensed by the Board of Governors of the University of North Carolina. If ABA accreditation is not obtained by a law school so licensed within three years of the commencement of classes, legal interns may not practice, pursuant to these rules, with any legal aid clinic of the law school.
- (4) Legal aid clinic - A department, division, program, or course in a law school that operates under the supervision of an active member of the State Bar and renders legal services to eligible persons.
- (5) Legal intern - A law student who is certified to provide supervised representation to clients under the provisions of the rules of this Subchapter.
- (6) Legal services corporation - A nonprofit North Carolina corporation organized exclusively to provide representation to eligible persons.

- (7) Supervising attorney - An active member of the North Carolina State Bar who satisfies the requirements of Rule .0205 of this Subchapter and who supervises one or more legal interns.

*History Note:* Authority G.S. 84-23;  
Readopted Eff. December 8, 1994;  
Amended Eff. March 6, 2008; March 6, 2002; June 7, 2001.

### **27 NCAC 01C .0203 ELIGIBILITY**

To engage in activities permitted by these rules, a law student must satisfy the following requirements:

- (1) be enrolled in a law school approved by the Council of the North Carolina State Bar;
- (2) have completed at least three semesters of the requirements for a professional degree in law (J.D. or its equivalent);
- (3) be certified in writing by a representative of his or her law school, authorized by the dean of the law school to provide such certification, as being of good character with requisite legal ability and training to perform as a legal intern;
- (4) be introduced to the court in which he or she is appearing by an attorney admitted to practice in that court;
- (5) neither ask for nor receive any compensation or remuneration of any kind from any client for whom he or she renders services, but this shall not prevent an attorney, legal services corporation, law school, or government agency from paying compensation to the law student or charging or collecting a fee for legal services performed by such law student;
- (6) certify in writing that he or she has read and is familiar with the North Carolina Revised Rules of Professional Conduct and the opinions interpretive thereof.

*History Note:* Authority G.S. 84-23;  
Readopted Eff. December 8, 1994;  
Amended Eff. March 6, 2008; June 7, 2001.

### **27 NCAC 01C .0204 CERTIFICATION AS LEGAL INTERN**

Upon receipt of the written materials required by Rule .0203(3), (6) and Rule .0205(6), the North Carolina State Bar shall certify that the law student may serve as a legal intern. The certification shall be subject to the following limitations:

- (1) Duration. The certification shall be effective for 18 months or until the announcement of the results of the first bar examination following the legal intern's graduation whichever is earlier. If the legal intern passes the bar examination, the certification shall remain in effect until the legal intern is sworn-in by a court and admitted to the bar.
- (2) Withdrawal of Certification. The certification shall be withdrawn by the State Bar, without hearing or a showing of cause, upon receipt of:
  - (i) notice from a representative of the legal intern's law school, authorized to act by the dean of the law school, that the legal intern has not graduated but is no longer enrolled;
  - (ii) notice from a representative of the legal intern's law school, authorized to act by the dean of the law school, that the legal intern is no longer in good standing at the law school;
  - (iii) notice from a supervising attorney that the supervising attorney is no longer supervising the legal intern and that no other qualified attorney has assumed the supervision of the legal intern; or
  - (iv) notice from a judge before whom the legal intern has appeared that the certification should be withdrawn.

*History Note:* Authority G.S. 84-23;  
Readopted Eff. December 8, 1994;  
Amended Eff. June 7, 2001.

### **27 NCAC .01C 0205 SUPERVISION**

(a) A supervising attorney shall

- (1) be an active member of the North Carolina State Bar who has practiced law as a full-time occupation for at least two years;

- (2) supervise no more than two legal interns concurrently, provided, however, there is no limit on the number of legal interns who may be supervised concurrently by an attorney who is a full or part-time member of a law school's faculty or staff whose primary responsibility as a faculty member is supervising legal interns in a legal aid clinic and, further provided, that an attorney who supervises legal interns through an externship or out-placement program of a law school legal aid clinic may supervise up to five legal interns;
- (3) assume personal professional responsibility for any work undertaken by a legal intern while under his or her supervision;
- (4) assist and counsel with a legal intern in the activities permitted by these rules and review such activities with the legal intern, all to the extent required for the proper practical training of the legal intern and the protection of the client;
- (5) read, approve and personally sign any pleadings or other papers prepared by a legal intern prior to the filing thereof, and read and approve any documents prepared by a legal intern for execution by a client or third party prior to the execution thereof,
- (6) prior to commencing the supervision, assume responsibility for supervising a legal intern by filing with the North Carolina State Bar a signed notice setting forth the period during which supervising attorney expects to supervise the activities of an identified legal intern, and that the supervising attorney will adequately supervise the legal intern in accordance with these rules; and
- (7) notify the North Carolina State Bar in writing promptly whenever the supervision of a legal intern ceases.

*History Note:* Authority G.S. 84-23;  
 Readopted Eff. December 8, 1994;  
 Amended Eff. September 24, 2015; March 6, 2008; March 6, 2002; June 7, 2001.

**27 NCAC 01C .0206 ACTIVITIES**

- (a) A properly certified legal intern may engage in the activities provided in this rule under the supervision of an attorney qualified and acting in accordance with the provisions of Rule .0205 of this subchapter.
- (b) Without the presence of the supervising attorney, a legal intern may give advice to a client, including a government agency, on legal matters provided that the legal intern gives a clear prior explanation that the legal intern is not an attorney and the supervising attorney has given the legal intern permission to render legal advice in the subject area involved.
- (c) A legal intern may represent an eligible person, the state in criminal prosecutions, a criminal defendant who is represented by the public defender, or a government agency in any proceeding before a federal, state, or local tribunal, including an administrative agency, if prior consent is obtained from the tribunal or agency upon application of the supervising attorney. Each appearance before the tribunal or agency shall be subject to any limitations imposed by the tribunal or agency including, but not limited to, the requirement that the supervising attorney physically accompany the legal intern.
- (d) In all cases under this rule in which a legal intern makes an appearance before a tribunal or agency on behalf of a client who is an individual, the legal intern shall have the written consent in advance of the client. The client shall be given a clear explanation, prior to the giving of his or her consent, that the legal intern is not an attorney. This consent shall be filed with the tribunal and made a part of the record in the case. In all cases in which a legal intern makes an appearance before a tribunal or agency on behalf a government agency, the consent of the government agency shall be presumed if the legal intern is participating in an internship program of the government agency. A statement advising the court of the legal intern's participation in an internship program of the government agency shall be filed with the tribunal and made a part of the record in the case.
- (e) In all cases under this rule in which a legal intern is permitted to make an appearance before a tribunal or agency, subject to any limitations imposed by the tribunal, the legal intern may engage in all activities appropriate to the representation of the client, including, without limitation, selection of and argument to the jury, examination and cross-examination of witnesses, motions and arguments thereon, and giving notice of appeal.

*History Note:* Authority G.S. 84-23;  
 Readopted Eff. December 8, 1994;  
 Amended Eff. March 6, 2008; March 6, 2002; June 7, 2001.

**27 NCAC 01C .0207 USE OF STUDENT'S NAME**

- (a) A legal intern's name may properly
- (1) be printed or typed on briefs, pleadings, and other similar documents on which the legal intern has worked with or under the direction of the supervising attorney, provided the legal intern is clearly identified as a legal intern certified under these rules, and provided further that the legal intern shall not sign his or her name to such briefs, pleadings, or other similar documents;
  - (2) be signed to letters written on the letterhead of the supervising attorney, legal aid clinic, or government agency, provided there appears below the legal intern's signature a clear identification that the legal intern is certified under these rules. An appropriate designation is "Certified Legal Intern under the Supervision of [supervising attorney]", and
  - (3) be printed on a business card, provided the name of the supervising attorney also appears on the business card and there appears below the legal intern's name a clear statement that the legal intern is certified under these rules. An appropriate designation is "Certified Legal Intern under the Supervision of [supervising attorney]."
- (b) A student's name may not appear on the letterhead of a supervising attorney, legal aid clinic, or government agency.

*History Note:* Authority G.S. 84-23;  
Readopted Eff. December 8, 1994;  
Amended Eff. October 7, 2010; March 6, 2008; June 7, 2001.

**27 NCAC 01C .0208 MISCELLANEOUS**  
**27 NCAC 01C .0209 DEAN'S CERTIFICATE**  
**27 NCAC 01C .0210 WITHDRAWAL OF DEAN'S CERTIFICATE**

*History Note:* Authority G.S. 84-23;  
Readopted Eff. December 8, 1994;  
Repealed Eff. June 7, 2001.