

STATE OF TENNESSEE
OFFICE OF THE
ATTORNEY GENERAL
P.O. BOX 20207
NASHVILLE, TENNESSEE 37202

November 21, 2001

Opinion No. 01-168

Practice of Senior Law Students Before the Courts

QUESTIONS

1. Under what circumstances, if any, may a senior law student appear in court on behalf of the office of the District Attorney General?
2. Do the provisions found within Section 10.03(a) of Rule 7 of the Tennessee Supreme Court Rules pertain solely to senior law students who appear in court on behalf of indigent persons accused of crimes or as an assistant to the Attorney General of the State of Tennessee?
3. Does the language found within Section 10.03(b) of Rule 7 of the Tennessee Supreme Court Rules require that a senior law student who appears on behalf of an indigent person accused of a crime or as an assistant to the Attorney General must be under the immediate supervision of the faculty director of the legal aid clinic or director of the Bar Association sponsored legal aid society and/or a licensed attorney selected by the director?

OPINION

1. A senior law student may appear as an assistant to the District Attorney General if such appearance has the written approval of the Supreme Court of Tennessee, the District Attorney General, and the trial judge involved, and if such appearance is otherwise in strict compliance with the provisions of Section 10.03 of Rule 7 of the Tennessee Supreme Court Rules.
2. Because this Office interprets the reference in Section 10.03(a) to “the Attorney General” as referring to the District Attorney General, the Rule governs appearances by senior law students who appear in court on behalf of indigent persons accused of crimes or as assistant to the District Attorney General.
3. Yes, except the Rule should be interpreted to refer to senior law students who assist the District Attorneys General.

ANALYSIS

Rule 7 of the Tennessee Supreme Court Rules sets forth the requirements for practicing law in Tennessee state courts. Specifically, section 10.03 of Rule 7 of the Tennessee Supreme Court Rules permits a senior law student in a law school in the State of Tennessee approved by the Board of Law Examiners to “appear in any municipal or state court on behalf of any indigent person accused of a crime or who is a litigant in any civil proceeding, or as an assistant to the Attorney General of the State of Tennessee, if such appearance has the approval of the District Attorney General, and the trial judge involved,” and when certain other conditions are met. This Office interprets the reference made in section 10.03 of Rule 7 of the Tennessee Supreme Court Rules to the “Attorney General” as referring to the District Attorney General, not the Attorney General and Reporter of the State of Tennessee. Except in rare instances, the Office of the Attorney General and Reporter does not represent the State in the trial courts in criminal cases. The authority of this Office to represent the State in civil cases does not depend upon the approval of the local district attorneys.

Thus, under the rule, a senior law student may appear as an assistant to the District Attorney General if such appearance has the written approval of the Supreme Court of Tennessee, approval of the District Attorney General and the trial judge involved. In addition, the case in which the student participates must be under the immediate and personal supervision of an attorney licensed to practice in Tennessee who has been selected by the faculty director of the legal aid clinic, a public defender or legal aid attorney employed by a Bar Association sponsored legal aid society, or Attorney General. Sup. Ct. R. 7 § 10.03(a).

The provisions found within Section 10.03(a) of Rule 7 of the Tennessee Supreme Court Rules pertain solely to senior law students who appear in court on behalf of indigent persons accused of crimes or who is a litigant in any civil proceeding, or as an assistant to the District Attorney General. Sup. Ct. R. 7 § 10.03(a).

A senior law student who appears on behalf of an indigent person accused of a crime or who is a litigant in any civil proceeding or as an assistant to the District Attorney General must be under the immediate supervision of the faculty director of the legal aid clinic or director of a Bar Association sponsored legal aid society and/or a licensed attorney selected by the director. Sup. Ct. R. 7 § 10.03(b). Before a student appears in court, the dean of the approved law school and the director of the legal clinic program or legal aid society must file a certified list of students with the Tennessee Supreme Court for their approval. Upon written approval by the Supreme Court of Tennessee, the list of selected and certified students is filed with the Clerk of the Circuit Court in the county where the law school is located. *Id.*

PAUL G. SUMMERS
Attorney General and Reporter

MICHAEL E. MOORE
Solicitor General

DANA M. AUSBROOKS
Assistant Attorney General

Requested by:

David A. Doyle
District Public Defender
Eighteenth Judicial District
117 East Main Street
Gallatin, Tennessee 37066