

STATE OF MAINE
SUPREME JUDICIAL COURT
ADMINISTRATIVE ORDER JB-24-03

PILOT PROGRAM TO CONDITIONALLY AUTHORIZE LAW STUDENT EXTERNS
TO PROVIDE PUBLIC DEFENSE SERVICES

Effective: December 18, 2024

There is a need for public defense services that exceeds the existing capacity of the Maine Commission on Public Defense Services (PDS). Given the limited number of public defender offices actively operating within the state through PDS, the geographic locations of those offices, and the time it will take to open new offices as they become authorized by the Legislature, we adopt this Administrative Order to increase the availability of representation and provide opportunities to train law students who may be interested in practicing in public defense.

Specifically, this order conditionally approves PDS as an organization through which law students may provide legal assistance pursuant to M.R.U. Crim. P. 56(a) and M.R. Civ. P. 90, provided that the law student, supervising attorney, and PDS comply with the terms of this order for the creation and operation of an externship program for qualified law students.

The pilot program authorized herein is intended to enable externships for the summer of 2025, the school year running from the fall of 2025 through the spring of 2026, and the summer of 2026. This order expires on September 5, 2026, unless sooner modified or extended.

I. Eligibility of Law Student Externs

To qualify to provide legal assistance to parties who are qualified to receive services from PDS, a law student extern must comply with M.R.U. Crim. P. 56 and M.R. Civ. P. 90, as applicable, and must have

- A. completed three semesters or more of law school,
- B. been approved by the law student's educational institution to participate in an externship, and

- C. submitted to the oversight and supervision required for all student externship programs operated by ABA accredited law schools.

II. Eligibility of Attorney Supervisors

To qualify to supervise a law student extern who is providing legal assistance to parties who are entitled to receive services from PDS, an attorney must comply with M.R.U. Crim. P. 56 and M.R. Civ. P. 90, as applicable, and must

- A. be a licensed Maine attorney rostered by PDS to provide indigent legal services;
- B. agree, in a writing addressed to the student extern's law school, to follow all program rules and supervision standards of the law school;
- C. be independently approved by the student extern's law school;
- D. participate in the law school's process for pairing students with the externship placement; and
- E. agree, in a writing addressed to PDS, to allow PDS access to the attorney, the law student extern, and the attorney's office and records as provided by this Administrative Order and as otherwise necessary for PDS to carry out the requirements of this Administrative Order.

III. Administration and Oversight of Externship

Each externship of a law student who is providing public defense services must be approved by the student's law school, and the participants in the externship must comply with the following requirements:

- A. At the commencement of the externship,
 - 1. the supervising attorney must provide an orientation to the law student extern regarding

- a. the practices of the attorney's office;
 - b. the extern's ethical obligations to clients, the attorney's office, PDS, and the courts; and
 - c. the pertinent requirements of Rule 56 of the Maine Rules of Unified Criminal Procedure and Rule 90 of the Maine Rules of Civil Procedure, and all other applicable court rules and statutes;
2. the law student extern must execute and provide to the attorney's office
 - a. all appropriate confidentiality and nondisclosure agreements required to access client files and participate in the attorney's practice; and
 - b. a certification that the law student extern has reviewed and is familiar with the Maine Rules of Professional Conduct and the rules established by PDS for indigent legal representation;
 3. the supervising attorney and extern must establish a list of goals for the externship and provide a copy of that list to PDS; and
 4. PDS staff must designate a member of its staff to serve as an externship coordinator for student externships and provide the contact information (name, telephone number, and email address) of the coordinator to the law school's administration, the student extern, the supervising attorney, and the Executive Clerk of the Maine Supreme Judicial Court.
- B. During the externship,
1. the supervising attorney must

- a. permit PDS staff or designee to enter the attorney's offices to meet with and check on the status of the student extern;
 - b. notify PDS of the dates and times of all anticipated court appearances by the student extern;
 - c. maintain a log of the student extern's activity in and out of court and provide the log to PDS at least 48 hours before each meeting with PDS staff; and
 - d. meet with PDS staff and the student extern at least once every 30 days to review the log for the student extern in order to monitor the externship's progress;
 2. at the halfway point of the externship, the supervising attorney and the student extern must review the goals set out for the externship, modify them as necessary, and share any modifications with PDS at the next meeting with PDS;
 3. PDS must
 - a. provide the supervising attorney with a form to use to log the student extern's activity in and out of court;
 - b. meet with the supervising attorney and the student extern at least once every 30 days in order to review the student extern's activities and performance; and
 - c. when possible, observe all court proceedings in which the student extern appears on behalf of the client; and
 4. If any individual participating in the program (i.e., the law school, the student extern, the supervising attorney, or PDS staff) has any concerns about the externship, that individual must immediately share the concerns with PDS's externship coordinator.
- C. At or near the end of the externship, PDS must

1. conduct separate exit interviews with the student extern and with the supervising attorney;
2. obtain from the student extern's law school the student extern's evaluation of the externship and any comments that the student extern has provided about the externship experience;
3. invite any judges before whom the student extern appeared to provide feedback on the student extern's performance and the externship; and
4. meet with the student extern's law school's externship supervisor to review all data gathered about the externship.

III. Report to the Maine Supreme Judicial Court

PDS must report to the Maine Supreme Judicial Court at the end of each semester the results of the externship program and must provide any relevant supporting data.

IV. Modifications to the Program

Any request by PDS for modifications to the program must be made at least 30 days before the end of a semester. The Court will accept or reject each proposed modification before the start of the next semester.

For the Court:

_____/s/_____
Valerie Stanfill
Chief Justice, Supreme Judicial Court

Promulgation Date: December 18, 2024