

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART IV. ADMISSION TO PRACTICE LAW

[ 204 PA CODE CH. 71 ]

#### Proposed Amendment to Pennsylvania Bar Admission Rule 322

Notice is hereby given that the Pennsylvania Board of Law Examiners is considering recommending to the Pennsylvania Supreme Court that it amend Rule 322 of the Pennsylvania Bar Admission Rules concerning authorized activities of certified legal interns (interns) as set forth in Annex A. Additions to the text of the rule are shown in bold and underlined, and deletions are in bold and brackets.

The proposed amendment would permit interns with an additional opportunity to participate in oral advocacy before the appellate courts of the Commonwealth of Pennsylvania (appellate courts). Currently, interns representing the Commonwealth are permitted to participate in oral advocacy before the appellate courts, however, interns representing the indigent are not. This distinction has caused some confusion as some have interpreted the rule to prohibit any oral advocacy before the appellate courts by any intern, including those who represent the Commonwealth. The proposed amendment to Pa.B.A.R. 322 would clarify that interns representing the Commonwealth are permitted to provide oral advocacy before the appellate courts and would expressly permit interns representing indigents to also provide oral advocacy in those courts. It also clarifies the duties of the supervising attorney.

Interested persons are invited to submit written comments regarding the proposed amendments to the Counsel to the Board, Pennsylvania Board of Law Examiners, Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 3600, P.O. Box 62535, Harrisburg, PA 17106-2535, no later than November 5, 2019.

*By The Pennsylvania Board of Law Examiners  
Supreme Court of Pennsylvania*

GICINE P. BRIGNOLA,  
*Executive Director*

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART IV. ADMISSION TO PRACTICE LAW

#### CHAPTER 71. PENNSYLVANIA BAR ADMISSION RULES

#### Subchapter C. RESTRICTED PRACTICE OF LAW

#### CERTIFIED LEGAL INTERNS

#### Rule 322. Authorized activities of certified legal interns.

(a) *General rule.* Subject to the restrictions of this subdivision, a certified legal intern may with the approval of a supervising attorney:

(1) Appear before any **court or other** government unit [ **(other than the Supreme, Superior or Commonwealth Courts)** ] in any civil or criminal matter on behalf of any indigent, if the person on whose behalf the legal intern is appearing consents to such appearance. [ **The supervising attorney must be personally present throughout the proceedings where the legal intern is appearing on behalf of the defendant in a criminal matter where the defendant has the right to counsel under any provision of law.** ]

(2) Appear in any civil or criminal matter on behalf of the Commonwealth, if the Attorney General (or the prosecuting attorney in the case of a criminal matter) or his or her authorized representative consents to such appearance.

The approval of the supervising attorney and the consent of the party represented required by this subdivision shall be in writing and filed of record in the matter and shall be brought to the attention of the judge or magisterial district judge or the presiding officer of the other government unit. **Appearances pursuant to this rule include provision of oral argument.**

(b) [ ***Preparation of papers.*** ] A certified legal intern may engage in other activities, [ **under the general supervision of a member of the bar of this Commonwealth, but outside the personal presence of the attorney,** ] including **the following**:

(1) Preparation of pleadings and other documents to be filed in any matter in which the legal intern is eligible to appear and in any appeals therefrom in the Supreme, Superior or Commonwealth Courts.

(2) Except when the assignment of counsel is required under any provision of law, **provision of** assistance to indigent inmates of correctional institutions or other persons who request such assistance in preparing applications for and supporting documents for post-conviction relief. If there is an attorney of record in the matter, all such assistance shall be supervised by the attorney of record.

Each pleading or other document shall contain the name of the legal intern who has participated in drafting it. If the legal intern participated in drafting only a portion of it, that fact may be stated. All pleadings or other documents shall be signed by the supervising attorney.

(c) *Supervising attorney.* The attorney under whose supervision a certified legal intern performs any of the services permitted by this rule shall [ : ]

(1) Be approved in writing as a supervising attorney for the purposes of this rule by the dean of the law school in which the legal intern is or was enrolled.

(2) Assume personal professional responsibility for the guidance of the legal intern in any work undertaken and for supervising the quality of the work of the legal intern.

(3) Assist the legal intern in his or her preparation to the extent the supervising attorney considers necessary.

(4) **Assure that the certified legal intern is fully prepared and appropriately supervised.**

(5) **Be present during any appearance the certified legal intern makes before any tribunal.**

**Official Note:** Based on former Supreme Court Rule 11 A, D and E and makes no change in substance.

[Pa.B. Doc. No. 19-1467. Filed for public inspection October 4, 2019, 9:00 a.m.]

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**DISCIPLINARY BOARD OF  
THE SUPREME COURT**

**Notice of Suspension**

By Order of the Supreme Court of Pennsylvania dated September 18, 2019, Joseph Richard Costello (# 83620),

whose registered address is Brooklyn, NY, is suspended from the practice of law in this Commonwealth for a period of six months, effective October 18, 2019. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,  
*Board Prothonotary*

[Pa.B. Doc. No. 19-1468. Filed for public inspection October 4, 2019, 9:00 a.m.]

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