

Rules of the Prosecuting Attorneys' Council of Georgia

Chapter 4 Prosecutorial Clinics & Advance Degree Programs

4.1. Authority. This Chapter has been adopted by the Prosecuting Attorneys' Council of Georgia pursuant to O.C.G.A. §§ 15-18-14 and 15-18-19 and Rule 3.9(c)(2) of the Prosecuting Attorneys Council of Georgia.

Authority: O.C.G.A. §§ 15-18-14, 15-18-19; PACOG R. 3.9(c)(2); ratified June 4, 2002; effective July 1, 2002.

4.2. Purpose.

- a. This section establishes minimum standards for prosecutorial clinics whose students qualify for appointment as an Assistant District Attorney I in a salary step other than the entry step.
- b. Nothing in this chapter shall be construed as regulating or prohibiting the operation of clinical programs at any law school but only those clinical programs which meet these minimum standards will be considered for approval by the Council.
- c. Graduates of clinical programs which have not been approved by the Council in accordance with this Chapter are not eligible for appointment as an Assistant District Attorney I in a salary step above the entry step based on participation in such clinic.

4.3. Standards. In order for a clinical program to be considered for approval as a prosecutorial clinic, it must meet the following minimum standards.

- a. The clinical program is being conducted at a law school which is accredited by the American Bar Association and the Association of American Law Schools.¹
- b. The clinical program must be supervised by a member of the faculty of the law school who is selected and reviewed in the same manner as persons responsible for teaching other courses in the academic program. The supervisor may be a full-time or adjunct member of the faculty and should have expertise in criminal law and procedure.²
- c. To be eligible to participate in the prosecutorial clinic, students must be regularly enrolled and in good standing at the law school. A student shall be considered regularly enrolled if the student has been enrolled and taking a minimum of 8 hours of academic courses which apply towards the award of the Juris Doctorate (J.D.) or Bachelors of Law (LL.B) or higher degree.
- d. Students who participate in the prosecutorial clinic must receive academic credit commensurate with

¹ Subsection (a) is a restatement of former O.C.G.A. § 15-18-14(f)(2)(B) which limited prosecutorial clinic to ABA accredited law schools. This was done to insure that clinical programs met the minimum standards which have been established by the ABA for such clinical programs. See ABA Standards for Approval of Law Schools, Standards 305 & 505.

² Subsection (b) is derived from Rule 7.6c of the Rules of the American Association of Law Schools and NDAA, Nat. Pros. Stand. 32.2. Whenever possible approved clinical programs should be supervised by a faculty member with experience in criminal law and procedure.

the time and effort expended and the educational benefits derived by the student.³

- e. The clinic must prepare eligible students to assume the role of a prosecuting attorney by familiarizing them with the rules of criminal procedure, evidence and the rules of professional conduct applicable to prosecuting attorneys applicable to the jurisdiction in which the law school is located.⁴
- f. Students must successfully complete an externship with a federal, state or local prosecuting attorney's office. During the externship, the student must be supervised by an attorney member of the staff and provided the opportunity to participate in the prosecution of criminal cases.⁵
- g. Third year students who participate in the clinic must have the opportunity to be admitted to practice under the "Law School Public Prosecutor Act of 1970," O.C.G.A. § 15-18-22, and/or Rules 92 through 97 of the Supreme Court of Georgia and to prosecute actual cases as part of the externship. If the law school is located outside the State of Georgia, third year students must have the opportunity to prosecute cases in court under a comparable legislation or court rule which allows third-year students to appear in court.⁶
- h. The clinical program must have rules, policies or guidelines governing clinical program.
- i. Records.
 - (1) The clinical programs must maintain records for each student participating in the clinic which include, at a minimum, the student's name, social security number, the course name and number, the exact dates of attendance, the name of the supervising faculty member, the name and location of the prosecuting attorney's office in which the externship was performed, the exact dates for the externship, and the name of the prosecuting attorney who was the supervising attorney of the student during the externship.
 - (2) Records required by this section must be retained for a period of not less than six years and are subject to inspection by the Council.

³ Subsection (d) is a restatement of ABA Stand. 305(c).

⁴ Both the ABA and AALS strongly recommend that clinical programs include an academic component which will prepare students to effectively participate in the extern portion of the clinical experience. In light of the differences between criminal law, criminal procedure and evidence as taught in most law schools and state practice, the Council believes that students must be familiarized with the rules of criminal procedure and evidence in the jurisdiction in which the student will perform the externship. This may be accomplished within the academic component of the clinical program or through the supervising attorneys at the offices where the students are placed. Under R. 5.3 of the G. Code of Professional Conduct, the supervising attorney for a law school intern is responsible for insuring that interns are professionally competent and that the intern's "conduct is compatible with the professional obligations" of the prosecuting attorney. Id. R. 5.3(b).

⁵ To have an effective prosecutorial clinic, students must have the opportunity to be involved in the actual workings of a prosecutors office under the supervision of a qualified prosecuting attorney (referred to as a "field instructor" in the ABA Standards. See ABA Stand. 305.

⁶ The Council believes that actual courtroom experience is an essential component of a prosecutorial clinic. However, it is recognized that third-year practice programs may not be available in all jurisdictions. A law school clinical program complies with this requirement if it permits clinical students to participate in the third year practice program over the summer in another jurisdiction.

- (3) It is the responsibility of the dean of the law school or his or her designee to certify any individual who successfully completes the prosecutorial clinic. Such certification shall include:
 - (A) The full name of the student and his or her social security number;
 - (B) The dates of participation in the clinic (month, day, and year of the start and completion).
 - (C) The identity and address of the prosecuting attorney's office in which student performed the externship and the complete dates (month, day, year) for the externship.
 - (D) The name of the student's immediate supervisor in the prosecuting attorney's office.
- (4) Approved clinical programs are encouraged to provide each student who successfully completes the clinical program with a certificate of completion or other similar documentation. A certificate which includes all of the information required under paragraph (3) of this section shall be sufficient evidence that the student named therein successfully completed the clinical program for the purposes of pay advancement. A copy of the form of such certificate shall be provided to the Council.

Authority: O.C.G.A. §§ 15-18-14, 15-18-19; PACOG R. 3.9(c)(2); ratified June 4, 2002; effective July 1, 2002.

4.4. Applications for Approval.

- a. Applications for approval as a prosecutorial clinic shall be made in writing on the letterhead of the law school and signed by the dean of the law school and submitted to the Council. Each application shall include, either within the body of the letter or as appendices:
 - (1) A copy of the course description and academic credit awarded for successful completion of the clinical program.
 - (2) A statement that clinical program is or will be conducted in accordance with the Standards set forth in Rule 4.3.
 - (3) The full name, address, office telephone number and email address of the faculty member who will supervise the clinical program together with a resume showing the academic and professional credentials of such faculty member.
 - (4) The identity, address and telephone number of each prosecuting attorney's office in which students will perform externships.
 - (5) A copy of the rules, policies and guidelines governing the clinical program.
- b. Upon receipt of the application, the Council staff will review the application for completeness and make a recommendation to the Council as to whether or not the application should be approved. The staff may request the law school to submit additional information necessary to complete the application or to resolve any ambiguity in the application.
- c. If the application is approved by the Council, the law school will be issued a certificate evidencing the fact.

4.5. Existing Programs.

Any prosecutorial program which, on or before the effective date of these Rules, was approved by the Council pursuant to the standards adopted July 1, 1984, shall not have to re-apply for approval of such program provided that the supervising faculty member of such program submits a letter to the Council within 90 days of the effective date of this Rule that such clinic is being conducted in accordance with the Standards set forth in Rule 4.3.

Authority: O.C.G.A. §§ 15-18-14, 15-18-19; PACOG R. 3.9(c)(2); ratified June 4, 2002; effective July 1, 2002.

4.6. Program Changes. Each approved program shall promptly notify the Council of any changes which are made in:

- a. The course description and academic credit awarded for successful completion of the clinical program;
- b. The name, address, office telephone number and email address of the faculty member who will supervise the clinical program. If a new faculty member is designated to supervise the clinical program, it is the responsibility of the law school to provide the Council with a copy of the faculty member's resume.

Authority: O.C.G.A. §§ 15-18-14, 15-18-19; PACOG R. 3.9(c)(2); ratified June 4, 2002; effective July 1, 2002.

4.7. Termination of Program. Any law school with an approved prosecutorial clinic may terminate its program by submitting providing the Council with written notice that it is terminating its approved clinical program. The notice should specify the date such program will be terminated.

Authority: O.C.G.A. §§ 15-18-14, 15-18-19; PACOG R. 3.9(c)(2); ratified June 4, 2002; effective July 1, 2002.

4.8. Sanctions. The Council may withdraw approval, suspend or place on probation any prosecutorial clinic program which fails to comply with the provisions of this Chapter. Prior to taking such action, the dean of the law school shall be given written notice of the proposed Council action, the basis for such action and an opportunity to respond.

Authority: O.C.G.A. §§ 15-18-14, 15-18-19; PACOG R. 3.9(c)(2); ratified June 4, 2002; effective July 1, 2002.

4.9. Recognition of Clinical Program For Individuals.

- a. The provisions of this section shall apply only to applications submitted by individuals for recognition of participation in a clinical program at a law school which is accredited by the American Bar Association and the Association of American Law Schools which is located outside the State of Georgia and has not, at any time, applied for approval of its clinical program.
- b. Any attorney being appointed as a state-paid assistant district attorney who participated in a clinical program while in law school outside the State of Georgia may apply in writing for recognition of such clinical participation on an individual basis.
- c. In order for the clinical program to be recognized, the program must meet all of the standards for an approved prosecutorial clinic program under Section 4.3 except the record keeping requirements under subsection (i). The burden of establishing that a clinical program meets the Standards is on the applicant. The application for approval must be accompanied by appropriate documents from the law school or written statements by law school officials. If the applicant fails to provide such documentation or statements, the application will be rejected.
- d. Applications for recognition of a law school clinical program under this section will be reviewed by

the Council staff. If the application is found to be complete and that the program meets the requirements of subsection (c) of this Section, the staff shall submit a report to the Council recommending recognition of the program.

- e. Recognition of a clinical program pursuant to this Section shall apply only to the individual who submitted the application but may be considered as evidence by the staff when reviewing an application for recognition of a clinical program by another individual who attended the same law school.

Authority: O.C.G.A. §§ 15-18-14, 15-18-19; PACOG R. 3.9(c)(2); ratified June 4, 2002; effective July 1, 2002.

