

111TH CONGRESS
1ST SESSION

S. 2888

To amend section 205 of title 18, United States Code, to exempt qualifying law school students participating in legal clinics from the application of the general conflict of interest rules under such section.

IN THE SENATE OF THE UNITED STATES

DECEMBER 16, 2009

Mr. CARDIN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend section 205 of title 18, United States Code, to exempt qualifying law school students participating in legal clinics from the application of the general conflict of interest rules under such section.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Law Student Clinic
5 Participation Act of 2009”.

1 **SEC. 2. LAW STUDENT AND LEGAL CLINIC STAFF CONFLICT**
 2 **OF INTEREST EXEMPTION.**

3 Section 205 of title 18, United States Code, is
 4 amended by inserting at the end the following:

5 “(j) **FEDERAL LEGAL CLINIC STAFF CONFLICT OF**
 6 **INTEREST EXEMPTION.**—Subsection (a) does not apply to
 7 a law student or legal clinic staff member participating
 8 in the legal clinic or externship of an accredited law school,
 9 for a covered matter within the scope of the clinic, un-
 10 less—

11 “(1) the student or staff has participated per-
 12 sonally and substantially in the covered matter as a
 13 Government employee or special Government em-
 14 ployee through decision, approval, disapproval, rec-
 15 ommendation, the rendering of advice, investigation,
 16 or otherwise; or

17 “(2) the covered matter is pending in the de-
 18 partment or agency of the Government in which the
 19 student is serving.

20 “(k) **DISTRICT OF COLUMBIA LEGAL CLINIC STAFF**
 21 **CONFLICT OF INTEREST EXEMPTION.**—Subsection (b)
 22 does not apply to a legal clinic staff member of an accred-
 23 ited law school who is an employee of the District of Co-
 24 lumbia or considered an employee of the District of Co-
 25 lumbia due to work with a legal clinic operated by an insti-

1 tution of higher education of the District of Columbia for
2 a covered matter within the scope of the clinic, unless—

3 “(1) the staff has participated personally and
4 substantially in the covered matter as a Government
5 employee or special Government employee through
6 decision, approval, disapproval, recommendation, the
7 rendering of advice, investigation, or otherwise; or

8 “(2) the covered matter is pending in the de-
9 partment or agency of the Government in which the
10 staff member is serving.”.

11 **SEC. 3. EFFECTIVE DATE.**

12 This Act and the amendments made by this Act shall
13 take effect 60 days after the date of enactment.

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