

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : SECOND JUDICIAL DEPARTMENT

A. GAIL PRUDENTI, P.J.

In the Matter of the Application of the
Touro College, Jacob D. Fuchsberg Law Center
Pursuant to Judiciary Law §§ 478 and 484
For Approval of a Program of Activities
For Law Students and Law School Graduates
Awaiting Admission

STUDENT PRACTICE ORDER

Upon the petition dated December 20th, 2007, and submissions of the Touro College, Jacob D. Fuchsberg Law Center, for an order pursuant to Judiciary Law §§ 478 and 484 to authorize a program of activities for law students and law school graduates awaiting admission to the bar of the State of New York, it is

ORDERED that pursuant to Judiciary Law §§ 478 and 484, the following program of training, supervision, and activities for law students and law school graduates awaiting admission to the bar of the State of New York is approved subject to the conditions and limitations set forth below:

1. The program shall be open to law students who have completed at least two semesters of law school or persons who have graduated from a law school who have taken the examination for admission to practice law in the courts of record of the state immediately available after graduation from law school, or the examination immediately available after being notified by the board of law examiners that they failed to pass said exam, and who have not been notified by the board of law examiners that they have failed to pass two such examinations.
2. The program will operate exclusively as a part of the academic curriculum of the school. All activities shall have received the prior approval of the appropriate members of the faculty and the administration of the institution. All student interns enrolled in the program shall be enrolled in an appropriate clinical course approved by the faculty of the law school.
3. On or about January 1st of each year but no later than January 15th, the petitioner shall submit to this court an annual report concerning the operation of the program for the preceding year, the number of persons participating therein, the types and numbers of matters in which the participants have been involved, and any other information relative to the program.
4. The petitioner shall insure that all participants in the program (hereinafter the student interns) are instructed in professional responsibility, professional obligations, and ethics required of an attorney licensed to practice law in the State of New York.

5. Student interns participating in the program shall work under the supervision of one or more experienced staff attorneys of the petitioner. The supervising attorneys shall periodically evaluate the work of each student intern. All supervising attorneys must be duly admitted to practice in the State of New York, and members in good standing of the bar on the State of New York.
6. Representation by student interns shall, in all cases, be with the prior, voluntary, written consent of the client, which shall state that the client:
 - a. has been informed that the representation shall be provided, in whole or in part, by a student intern;
 - b. consents to such representation;
 - c. that the client understands that his or her consent may be withdrawn at any time for any reason, but, in that event, representation may not be provided.
7. Student interns may perform the functions of an attorney and counselor-at-law in the conduct of the approved activities, including:
 - a. conducting all necessary client and witness interviews, investigations, and conferences;
 - b. examinations before trial provided that an attorney shall be actually present to supplement or correct any written or oral statement, or any action, by the student intern;
 - c. the drafting of documents, including pleadings, motions and opposition thereto, and discovery demands, memoranda, bail applications, and briefs, provided that the final draft of any such document is approved by an attorney;
 - d. the presentation of motions and ex parte applications under the supervision of an attorney present in the courtroom;
8. Student interns shall not finally dispose of any civil or criminal matter without the prior approval of the supervising attorney.
9. Except for routine calendar calls or arraignments, in all cases in which the student interns appear before a court, the supervising attorney shall be actually present in the courtroom to supplement or correct any written or oral statement, or any action, of the student intern. If a duly-admitted supervising attorney is not present in the courtroom with the student intern the matter may not proceed. For routine calendar calls or arraignments, the supervising attorney shall be immediately available to appear in the courtroom should the need arise.
10. Student interns shall be eligible to appear in the criminal courts only if they have successfully completed at least a one-semester course of study in criminal law.
11. Student interns are prohibited from appearing in the Appellate Division, Second Department.

12. Student interns may appear and participate in oral argument in the Appellate Term with the prior consent of that court.

13. Student interns may appear in the Integrated and Dedicated Domestic Violence (IDV) parts of the Supreme Court only in those cases which have been transferred to an IDV part of the Supreme Court from the Family Court.

14. Student interns may appear in the Family Court and the Surrogate's Court only with the prior consent of those courts.

15. In accordance with any limitations or conditions expressed in this order, student interns are approved to make the following appearances:

In Criminal Matters

A. Criminal Courts:

- 1.) Arraignments and calendar calls in all courts;
- 2.) Misdemeanors and lesser offenses at jury and non-jury trials, provided that the charges involve only simple issues of law and fact and the client states in writing that he or she has been informed with respect to representation by a second or third-year law student and has approved such representation. At trial or other disposition of any misdemeanor charge, the law student or graduate shall be supervised by an attorney who is familiar with the matters in which the student intern is engaged and who shall be present in the courtroom throughout the proceedings. Pleas may not be advised by a student intern until after consultation with and the approval of the supervising attorney;
- 3.) Violations and traffic infractions, including trial under the supervision of an attorney who is familiar with the matter in which the student intern is engaged and who shall be present in the courtroom throughout the proceedings;
- 4.) Sentence computation issues;
- 5.) Interstate agreement on detainers.

B. Civil Courts and Administrative Proceedings:

- 1.) Institutional and correctional facility hearings;
- 2.) Inmate grievances and related issues.

In Civil Matters

A. Administrative Agencies:

- 1.) Arbitration before the New York Stock Exchange or the National Association of Securities Dealers;
- 2.) Grievance and collective bargaining proceedings;
- 3.) Health Department hearings;
- 4.) Public Employment Relations Board hearings;
- 5.) Proceedings before school boards;
- 6.) Unemployment insurance hearings;
- 7.) Workers' compensation hearings;
- 8.) Social Security and other administrative entitlement hearings.

B. Court of Claims:

- 1.) Defense of claims.

C. Civil, District, Village and Town Justice Courts:

- 1.) Civil actions in the District Courts, not exceeding \$5,000.00;
- 2.) Debt collection;
- 3.) Small claims;
- 4.) Summary proceedings;
- 5.) Town, city, local law, code and ordinance violations.

D. Family Courts:

- 1.) Child protective proceedings;
- 2.) Family offense proceedings;
- 3.) Proceedings pursuant to the Children with Disabilities Act;
- 4.) Custody and visitation proceedings;
- 5.) Grandparent habeas corpus proceedings;
- 6.) Juvenile delinquency and PINS petitions;

- 7.) Paternity;
- 8.) Neglect and termination of parental rights;
- 9.) Support proceedings;
- 10.) Uniform Interstate Family Support Act;
- 11.) Willfulness hearings.

E. Supreme and County Courts:

- 1.) Article 75 proceedings;
- 2.) Article 78 proceedings;
- 3.) Low-income housing and community-based entities representation;
- 4.) Public interest matters;
- 5.) Tax matters;
- 6.) Uncontested matrimonial actions.

F. Surrogate's Court:

- 1.) Adoption proceedings.

and it is further,

16. ORDERED that this order shall expire on January 31, 2008, unless continued by further order of the court.

ENTER

A. GAIL PRUDENTI
Presiding Justice

Dated: _____