

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION — FIRST DEPARTMENT

PRESENT: RICHARD T. ANDRIAS  
ASSOCIATE JUSTICE

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In the Matter of the Application of the NEW YORK STATE  
COURTS ACCESS TO JUSTICE PROGRAM  
for renewal of Student Practice Order of the NEW YORK STATE  
COURTS ACCESS TO JUSTICE PROGRAM pursuant to  
Judiciary Law Sections 478 and 484.

**ORDER**

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Upon reading and filing the petition of the Honorable Fern A. Fisher, Deputy Chief Administrative Judge of New York City Courts and Director of NEW YORK STATE COURTS ACCESS TO JUSTICE PROGRAM (“ACCESS TO JUSTICE PROGRAM”), dated June 16, 2015 petitioning the Court seeking renewal of an Order pursuant to Judiciary Law, Sections 478 and 484, authorizing a program of activities for certain law students and law graduates awaiting admission to the New York State bar acting under the supervision of ACCESS TO JUSTICE PROGRAM Counsel and Court Attorney staff, to provide legal advice and limited scope representation to unrepresented litigants in certain actions and proceedings in the courts within the jurisdiction of the Appellate Division, First Department, and due deliberation having had thereon, it is therefore

**ORDERED**, that the petitioner’s application be, and the same hereby is granted; subject to the terms of this order, and it is further

**ORDERED**, that pursuant to Judiciary Law, Sections 478 and 484, the following program of training, supervision and activities for second and third year law students and law school graduates awaiting admission to the bar of the State of New York is approved in the

courts within the jurisdiction of the Appellate Division, First Department, subject to the conditions and limitations set forth below:

1. Participation is limited to law students who have completed at least two semesters of law school and certain law school graduates. Only law graduates who have taken the bar examination immediately available after graduation will be allowed to participate in the program. Graduates who have been notified that they have failed to pass one (1) such examination and those who have been disapproved for admission by the committee on character and fitness will not be allowed to participate in the program.

2. Law students and law graduates participating in the program shall be supervised by ACCESS TO JUSTICE PROGRAM Special Counsel in charge of each project and Court Attorney staff. All attorneys supervising the law students and law graduates must be admitted to practice in the State of New York and shall closely supervise all activities of the law school students and law graduates. ACCESS TO JUSTICE PROGRAM shall ensure that the law students and law graduates selected are prepared for their responsibilities under the program.

3. Law students and law graduates participating in the program may, with full disclosure and the prior voluntary informed consent of the client as provided herein, provide legal advice and limited scope representation to self-represented litigants in the jurisdiction of the Appellate Division, First Department in the (1) Civil Court of the City of New York including Small Claims and Housing Parts; (2) in the Family Court; and (3) in the Supreme Court. Matters in which legal assistance may be provided will include but not be limited to consumer debt, landlord tenant, uncontested divorce, paternity and child support, and foreclosure for the following programs:

(a.) **CIVIL AND HOUSING COURT VOLUNTEER LAWYERS PROGRAM**

Law students and law graduates will provide advice and help draft legal documents for unrepresented Housing Court litigants and Civil Court Consumer Debt litigants under the supervision of the Civil Court's Help Center Court Attorneys. No substantive advice shall be given to litigants without the prior consultation with and approval by the supervising Court attorney. A supervising Court attorney shall thoroughly review and approve all documents prepared by the law school students and graduates. This program shall be further overseen by ACCESS TO JUSTICE PROGRAM Special Counsel in charge of these programs.

(b.) **HOUSING COURT VOLUNTEER LAWYER FOR THE DAY PROGRAM**

Law students and law graduates will provide limited representation for unrepresented landlords or tenants in their nonpayment cases in the Housing Court's Resolution Part. The representation begins and ends the same day. Law students and law graduates will be supervised on site by an ACCESS TO JUSTICE PROGRAM supervising attorney or an attorney dedicated to this project by an organization (local bar association, law school or legal services provider) in partnership with the Court. The supervising attorney shall thoroughly review the issues and procedures involved prior to the appearance of the law students and law graduates, approve all documents prepared, and will be the attorney of record on each case. The supervising attorney will be duly admitted to practice in the State of New York and be a member in good standing of the bar of the State of New York. This program shall be further overseen by ACCESS TO JUSTICE PROGRAM Special Counsel in charge of this program who shall be ultimately responsible for the supervision of all program participants.

(c.) **CIVIL COURT VOLUNTEER LAWYER FOR THE DAY PROGRAM**

Law students and law graduates will provide limited representation for unrepresented consumer debtors in Civil Court. Law students and law graduates will represent litigants in vacating default judgments and during settlement negotiations. The representation begins and ends the same day. Law students and law graduates will be supervised on site by an ACCESS TO JUSTICE PROGRAM supervising attorney or an attorney dedicated to this project by an organization (local bar association, law school or legal services provider) in partnership with the Court. The supervising attorney shall thoroughly review the issues and procedures involved prior to the appearance of the law students and law graduates, approve all documents prepared, and will be the attorney of record on each case. The supervising attorney will be duly admitted to practice in the State of New York and be a member in good standing of the bar of the State of New York. This program shall be further overseen by ACCESS TO JUSTICE PROGRAM Special Counsel in charge of this program who shall be ultimately responsible for the supervision of all program participants.

(d.) **FAMILY COURT VOLUNTEER LAWYER PROGRAM**

Law students and law graduates will provide legal advice and help draft legal documents in support, paternity, custody, visitation, family offense and guardianship matters for unrepresented litigants in Family Court, under the supervision of the Family Court's Help Center Court Attorneys. No substantive advice shall be given to litigants without the prior

consultation with and approval by the supervising Court attorney. A supervising Court attorney shall thoroughly review and approve all documents prepared by the law school students and graduates. This program shall be further overseen by ACCESS TO JUSTICE PROGRAM Special Counsel in charge of this program.

(e.) **UNCONTESTED DIVORCE PROGRAM**

Law students and law graduates will provide legal advice and help draft legal documents for unrepresented litigants with uncontested divorce matters under the supervision of the Supreme Court's Help Center's Court Attorneys. No substantive advice shall be given to litigants without the prior consultation with and approval by the supervising Court attorney. A supervising Court attorney shall thoroughly review and approve all documents prepared by the law school students and graduates. This program shall be further overseen by ACCESS TO JUSTICE PROGRAM Special Counsel in charge of this program.

(f.) **FORECLOSURE VOLUNTEER LAWYER PROGRAM**

Law students and law graduates will provide legal advice on foreclosure issues for unrepresented litigants in Supreme Court Help Centers under the supervision of the Center's Court Attorneys. No substantive advice shall be given to litigants without the prior consultation with and approval by the supervising Court attorney. A supervising Court attorney shall thoroughly review and approve all documents prepared by the law school students and graduates. This program shall be further overseen by ACCESS TO JUSTICE PROGRAM Special Counsel in charge of this program.

4. No services may be performed by the law students and law graduates without the informed voluntary written consent of the litigant, which shall state that the litigant
  - a. has been informed that the representation has been provided, in whole or in part, by a law student or law graduate;
  - b. consents to such representation; and
  - c. that the litigant understands that his or her consent may be withdrawn at any time for any reason, but in that event, representation may not be provided.
  
5. The following tasks may be assigned to law students and law graduates:

- a. interview litigants;
- b. provide legal advice;
- c. conduct legal research;
- d. complete petitions and other court forms;
- e. draft documents; and
- f. appear in court for the Lawyer for the Day programs to negotiate settlement stipulations or to argue motions. *Law students or law graduates participating in this program may not try cases or conduct hearings.*

6. All court appearances by law students and law school graduates in the Lawyer for the Day programs are subject to the approval of the courts in which they are appearing and shall require the presence of the supervising attorney who shall be available to intercede if necessary. All submissions to a court or other tribunal shall be signed by the attorney of record.

7. All work performed by law students and law school graduates under this program must be carried out under the supervision of the ACCESS TO JUSTICE PROGRAM Special Counsel in charge of each project or Court Attorney staff, including review and approval of all legal papers and documents prepared. In the Volunteer Lawyer for the Day Programs, all work performed by law students and law school graduates under this program may also be supervised by attorney staff of the organizations partnering with the Court on these programs, who shall be available to intercede if necessary. The supervising attorney

must be duly admitted to practice in the State of New York and a member in good standing of the bar of the State of New York. ACCESS TO JUSTICE PROGRAM Special Counsel in charge of each project or Court Attorney staff shall also evaluate participant's ability to undertake responsibilities assigned and will oversee the supervising attorneys of participating partnering organizations. The ACCESS TO JUSTICE PROGRAM shall insure that each law student and law graduate participant has had instruction on the professional responsibilities, obligations and ethics of an attorney licensed to practice in New York State, and shall be thoroughly familiar with the Rules of Professional Conduct [22 N.Y.C.R. R. part 1200].

8. Where law students receive course credit for their participation, the ACCESS TO JUSTICE PROGRAM shall certify whether they have properly performed their duties.

9. Pursuant to Rule 608.1 of this Court, the ACCESS TO JUSTICE PROGRAM shall submit annual reports to the Clerk of the Court on or before July 1<sup>st</sup> of each year, concerning the number, status and general qualifications of the law school graduates and or law students working in the program and, in general, the programs and circumstances under which they were used and the services which they performed.

10. The foregoing is approved for two years from the date hereof, with leave to apply for a further Order of the Court.

Dated: New York, New York

June 29, , 2015

ENTER

  
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HON. RICHARD T. ANDRIAS  
Associate Justice

**HON. RICHARD T. ANDRIAS**

APPELLATE DIVISION SUPREME COURT FIRST DEPARTMENT  
STATE OF NEW YORK

I, SUSANNA ROJAS, Clerk of the Appellate Division of the Supreme Court First Judicial Department, do hereby certify that I have compared this copy with the original thereof filed in said office on 6/29/15 and that the same is a correct transcript thereof, and of the whole of said original.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of this Court on 7/1/15.

  
CLERK