

APPEARANCE BY STUDENT PRACTITIONERS

ADMINISTRATIVE ORDER NO. 09-03

The Court hereby approves the following regulations regarding appearance before the Court by Student Practitioners.

1. A law student approved as a “Student Practitioner” may, under the supervision of an attorney and with prior court approval, appear on behalf of any person who has consented in writing on forms adopted pursuant to this Order and attached as Exhibit A, as may be amended from time to time, and filed in the case pending before the United States Bankruptcy Court.

2. The attorney who supervises a student shall:

(a) be a member in good standing of the bar of the United States District Court for the Northern District of New York;

(b) assume personal professional responsibility for the student’s work;

(c) assist the student to the extent necessary;

(d) appear with the student in all proceedings before the court unless his or her presence is waived by the court; and

(e) indicate in writing his consent to supervise the student on the prescribed forms.

3. In order to appear, the student shall:

(a) be duly enrolled in a law school approved by the American Bar Association;

(b) have completed legal studies amounting to at least three semesters, or the equivalent;

(c) be recommended by either the dean or a faculty member of his or her law school as a Student Practitioner, which recommendation may be withdrawn by the recommender at any time by mailing a notice to the Clerk;

(d) neither ask for nor receive any compensation or remuneration of any kind for the services performed from the person on whose behalf they are rendered, but this shall not prevent an attorney, legal aid bureau, law school, public defender agency, a State, or the United States from paying compensation to the eligible law student, nor shall it prevent any agency from making proper charges for its services. Neither the student, nor anyone on the student's behalf, shall seek recovery of attorneys' fees from an adverse party for the services rendered by the student as a student practitioner, except for the successful prosecution of a willful violation of the automatic stay or of the discharge injunction pursuant to §§ 362 and 524 of Title 11 of the United States Code and for the defense of a § 523(a)(2) nondischargeability action on a consumer debt;

(e) certify in writing that the student is familiar with the federal procedural and evidentiary rules as well as the Local Bankruptcy Rules for the Northern District of New York;

(f) complete and file an application with the United States Bankruptcy Court together with a proposed order for appearance as a Student Practitioner in the bankruptcy case and/or adversary proceeding in which client consent has been obtained on the form supplied by the Clerk.

4. The bankruptcy judge for the division within which the completed application form is filed will consider the application and, if deemed appropriate, issue an order approving the

applicant's appearance as a Student Practitioner in the bankruptcy case and/or adversary proceeding.

5. The Student Practitioner may:


(a) appear as counsel in court or at other proceedings when consent of the client and the supervising attorney has been filed and when the court has approved the student's request to appear in the particular case;

(b) prepare and sign affidavits, motions, petitions, answers, objections, replies, memoranda and legal briefs and other documents (collectively, "Documents") in connection with any matter in which the student has met the conditions of (a) above, which Documents must also be signed by the supervising attorney with the original maintained in the case file.

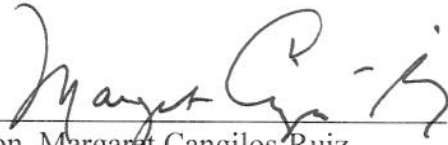
6. A Student Practitioner whose application has been approved may continue to appear in a particular case as a Student Practitioner until the student has graduated law school and is formally admitted to the bar or until termination by the court. The court sua sponte may terminate a Student Practitioner's right to appear at any time without notice of hearing and without showing of cause.

7. The application form for appearance as a Student Practitioner and form of proposed order, as amended from time to time, is available on the court's website at www.nynb.uscourts.gov.

Approved and So Ordered this 17th day of MARCH, 2009.



Hon. Robert E. Littlefield, Jr.
Chief United States Bankruptcy Judge



Hon. Margaret Cangilos-Ruiz
United States Bankruptcy Judge



Hon. Diane Davis
United States Bankruptcy Judge

EXHIBIT A TO ADMINISTRATIVE ORDER 09-03

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

In re:

Debtor.

Case No. _____
Chapter _____

**APPLICATION FOR ADMISSION AS A STUDENT PRACTITIONER
PURSUANT TO ADMINISTRATIVE ORDER 09-03**

(Name of Student)

(Telephone Number)

(Address of Student)*

(Email Address)

(City, State, Zip)

NAME OF LAW SCHOOL STUDENT IS ATTENDING: _____

SEMESTERS STUDENT HAS COMPLETED: _____

ANTICIPATED GRADUATION DATE: _____

*Please note that this address is the address to which all notices and correspondence are to be mailed by the court.

TO BE COMPLETED BY THE LAW STUDENT:

I certify that I have completed at least three (3) semesters of law school. I certify that I have read and am familiar with the provisions of the Judicial Code (Title 28 of the United States Code) that pertain to the jurisdiction of, and practice in, the United States District Courts, the Federal Rules of Civil Procedure; the Local Bankruptcy Rules, the District Court Rules and General Orders for the Northern District of New York and the Code of Professional Responsibility and that I will faithfully adhere thereto. I certify that I will receive no compensation from the person on whose behalf I am rendering services, except as provided in Part 3(d) of Administrative Order 09-03 pertaining to Student Practice in the Northern District of New York.

CERTIFICATION OF APPLICANT

(Date)

(Signature of Student)

The Student Practitioner's admission shall automatically expire upon graduation and admission to the bar unless an application for extension is granted.

STUDENT PRACTICE AUTHORIZATION FORM

AUTHORIZATION BY THE CLIENT FOR WHOM THE LAW STUDENT IS RENDERING SERVICES.

I authorize _____, a law student, to appear in court or at other proceedings on my behalf and to prepare documents on my behalf in connection with the case listed below.

(Date)

(Signature of Client)

(Print Name)

(If more than one client is involved, approval from each client must be attached.)

Bankruptcy Case Name: _____

Bankruptcy Case No. _____

Chapter ____

Adversary Proceeding No. (if applicable) _____

Assigned to Judge: _____

TO BE COMPLETED BY THE LAW STUDENT'S SUPERVISING ATTORNEY:

I will carefully supervise all of this student's work. I authorize this student to appear in court or at other proceedings, and to prepare documents. I will accompany the student at such appearances, and I will sign all documents prepared by the student. I assume personal responsibility for the student's work. I will notify the Clerk in writing when this student is no longer under my direct supervision.

(Date)

(Signature of Attorney)

(Address)

(City, State, Zip Code)

TO BE COMPLETED BY THE DEAN OR A FACULTY MEMBER OF THE STUDENT'S LAW SCHOOL:

I certify that this law student has completed at least three (3) semesters of law school work, and I recommend that the student be admitted to the court as a student practitioner.

(Date)

(Signature of Dean)

-or-

(Signature of Faculty Member)

Procedural Note: The Application for Admission as a Student Practitioner pursuant to Administrative Order 09-03 of the U.S. Bankruptcy Court, N.D.N.Y. and Student Practice Authorization Form should be electronically filed on the Court's docket via CM/ECF. The proposed order should be electronically uploaded as an order via CM/ECF. Do not electronically file the proposed order on the Court's docket. A sample proposed order follows.

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

In re:

Case No. _____

Chapter _____

Debtor.

Order Approving Application to Appear as Student Practitioner

Based upon this court's review of the completed Application to Appear as a Student Practitioner pursuant to Administrative Order 09-03 filed on behalf of (name of student) by supervising attorney, (name of supervising attorney, it is hereby

Ordered that (name of student) is authorized to appear as a Student Practitioner in reference to the pending case; and it is further

Ordered that (name of supervising attorney) shall exercise professional oversight and assume responsibility for the Student Practitioner's work.

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