

ORDERED that, effective November 2, 2015, subdivisions (a) and (e) of the Rules of the Appellate Division, Third Department (22 NYCRR) § 805.5 are hereby amended to read as follows:

(a) Any officer or agency of the state, or of a subdivision thereof, or any legal aid organization whose principal office is located in this department, may make application to the presiding justice of this court for:

(1) an order approving a program, pursuant to Judiciary Law sections 478 and 484, employing or utilizing law students who have completed at least two semesters of law school and eligible law school graduates as law interns to render and perform legal services, to the extent set forth in paragraph (b) hereof, which the officer, agency or organization is authorized to perform. The application shall set forth the purpose of the program, the names, addresses and qualifications of the persons to serve as supervising attorneys, as defined in paragraph (e) hereof, and the anticipated duration of the program; in no event, however, will approval for such a program exceed three years; and

(2) an order authorizing the employment or utilization of law students who have completed at least two semesters of law school and eligible law school graduates as law interns to render and perform legal services, to the extent set forth in paragraph (b) hereof, which the officer, agency or organization making the application is authorized to perform. The application shall set forth the names and addresses of the persons to be appointed and facts showing their eligibility for appointment, together with applicant's certification that they are of good character and competent legal ability.

(e) Supervision. A supervising attorney shall be the head of the department, agency or legal aid organization making the application, or his or her designee, shall be duly admitted to practice in this state and in good standing, and shall have, within 10 years immediately preceding the application, at least two years of actual practice in this state. The supervising attorney shall assume personal professional responsibility for any work undertaken by a law intern and shall supervise the preparation of the intern's work. Immediate supervision of a law intern shall mean that the supervising attorney shall be personally present throughout the proceedings. In the discretion of the presiding justice and upon a showing of good cause, including equivalent experience in a foreign jurisdiction, the requirement that a supervising attorney have at least two years of actual practice in this state may be waived.