



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NOTICE TO THE BAR

LAURA TAYLOR SWAIN

Chief Judge

DANNY ORTIZ

Acting Clerk of Court

Dated:
December 3, 2024

Contact:
Help Desk (212) 805-0800

**Southern District Court Amends Its Plan for Student Practice
to Permit Student Practice in Criminal Proceedings**

The United States District Court for the Southern District of New York has amended its Plan for Student Practice. The amended Plan — a copy of which is attached and may also be found on the Court’s website — permits eligible law students to appear not only in civil matters but also in criminal matters, subject to the rules set forth in the Plan (including but not limited to the written consent of the client, the supervising attorney, and the assigned judge).

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Plan for Student Practice

1. An eligible law student may, upon compliance with these rules, and under supervision of an attorney, appear on behalf of any person, including the United States Attorney, who has consented in writing.
2. The attorney who supervises a student shall:
 - a. be a member of the bar of the United States District Court for the Southern District of New York;
 - b. be a participant in a student clinical program as defined by the law school or an attorney in the United States Attorney's Office or the Federal Defenders Office;
 - c. assume personal professional responsibility for the student's work;
 - d. assist the student to the extent necessary;
 - e. appear with the student in all proceedings before the Court;
 - f. indicate in writing his or her consent to supervise the student.
3. To appear, the student shall:
 - a. be duly enrolled in a law school approved by the American Bar Association. The student shall be deemed to continue this requirement as long as, following graduation, the student is preparing to take the first New York State bar examination for which the student is eligible, or, having taken the examination, is awaiting the publication of the results or admission to the bar after passing the examination;
 - b. be a participant in a clinical program approved by that law school or be working in the United States Attorney's Office or the Federal Defenders Office;
 - c. have completed legal studies amounting to at least two semesters;
 - d. be certified by either the law school dean or his or her authorized designee as qualified to provide the legal representation permitted by this rule. This certification may be withdrawn by the certifier at any time by mailing a notice to the Clerk, without notice or hearing and without showing of cause.
 - e. be introduced to the Court by an attorney admitted to practice before this Court;
 - f. neither ask for nor receive any compensation or remuneration of any kind from the client. This is not intended to affect the ability or right of an attorney, legal aid bureau, law school clinical program, public defender agency, State, or the United States from seeking attorney fees, which may include compensation for student services, and paying compensation to the eligible law student.

- g. certify in writing that he or she is familiar and will comply with the Code of Professional Responsibility of the American Bar Association.
 - h. certify in writing that he or she is familiar with the federal procedural and evidentiary rules relevant to the action in which he or she is appearing.
- 4. The law student may:
 - a. appear as counsel in Court or at other proceedings, always accompanied by the supervising attorney, when written consent of the client, the supervising attorney, and the assigned judge have been filed with the Clerk of the Court.
 - b. prepare and sign motions, petitions, answers, briefs and other documents in connection with any matter in which he or she had met the conditions of (a) above. Each such document shall also be signed by the supervising attorney.
- 5. The judge's consent for the student to appear may be withdrawn without notice or hearing and without showing of cause. The withdrawal of consent by a judge shall not be considered a reflection on the character or ability of the student.
- 6. Forms for certifying compliance with this rule shall be available in the Clerk's Office. Completed forms shall be filed with the Clerk.
- 7. Participation by students under the rule shall not be deemed a violation in connection with the rules for admission to the bar of any jurisdiction concerning practice of law before admission to the bar.

Adopted in November 2024 by the S.D.N.Y. Board of Judges