

§ 302-1.6 Attorney admitted to practice in another state and law school graduates and senior law students permitted to practice in this State

(a) An attorney duly admitted to practice in another state may be permitted to represent any party in interest before the board, on a particular matter, upon proof submitted with his or her application that reciprocal privileges are accorded attorneys of this State.

(b) Law school graduates and senior law students permitted to practice law pursuant to the Judiciary Law under a program of activities approved by the appellate division of the supreme court of the department within which such activities are taking place [Appellate Division as provided in such law], and the board, and designated as law interns or legal interns by a legal aid organization, including programs that provide assistance to persons who are financially unable to pay for legal services and are eligible to qualify for free legal services in accordance with the standards and guidelines of the organization or program in which they are engaged, and whose program of activities has been so approved, may represent any party in interest before the board only in those type of matters that have been authorized by the Board and set forth in the approved program, upon compliance with this subdivision. [Such legal aid organization] The party that has received approval from the appellate division of the supreme court of the department within which such activities are taking place shall submit to the board secretary a certified copy of the order of the Appellate Division granting approval of such program of activities together with a list of law school graduates or senior law students designated as law interns or legal interns by such legal aid organization. Such law interns may, under the general supervision of an attorney, file forms, [and] make applications as required, fully participate in informal adjudicatory proceedings, prepare and enter stipulations other than waiver agreements, [and] appear at hearings before Workers' Compensation Law judges in noncontroverted claims or at such hearings, other than trial hearings, in controverted claims, and prepare and file applications for administrative review and full board review, and rebuttals, as necessary. Such law interns may, under the immediate supervision of an attorney, appear before Workers' Compensation Law judges at trial hearings in controverted claims and at all hearings before board panels, and prepare and enter waiver agreements. "Immediate supervision" of a law intern shall mean that the supervising attorney shall be personally present with the law intern throughout the hearing. An attorney supervising such law interns shall be admitted to practice law in this State, shall have two years experience in this State or another state, and shall be associated with the legal aid organization which has designated such law interns. Any such supervising attorney shall be the attorney of record in each case, shall assume personal professional responsibility for any work undertaken by a law intern, and shall supervise the preparation of such work. A law intern may appear before the board, in accordance with the foregoing supervision requirements, on behalf of any party in interest where such party gives written consent to such appearance and representation and provided further that the supervising attorney also gives written consent to such appearance. The written consents herein shall be filed in the board case file, together with a retainer in the format prescribed by the chair of the board, including retainers limited to the pending issue. All [legal papers] formal filings in the case shall be endorsed by the supervising attorney as attorney of record, and may contain the name of the law intern who participated in their preparation. Law interns may represent a party only when

such party is not otherwise represented by an attorney or licensed representative and is eligible to qualify for [free] legal services in accordance with the standards and guidelines of the organization or program in which the law intern is engaged. Such representation of claimants by law interns shall be without fee or any other remuneration, except that a request to approve reimbursement for disbursements may be submitted to the board and if approved, such disbursement may be payable per section twenty-four of this chapter, and no law intern or supervising attorney shall request or receive any fee or remuneration for such representation. Failure to comply with this subdivision shall be a sufficient basis for denial or revocation of permission to engage in such representation by law interns.