THE DICKINSON SCHOOL OF LAW
OF THE PENNSYLVANIA STATE UNIVERSITY

EXTERNSHIP
PROGRAM MANUAL

FOR STUDENTS AND SUPERVISORS
(Revised May 2012)
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I. Introduction

Experiential education offers students the opportunity to develop practical legal skills and to apply the substantive law and ethical rules that they have learned in the classroom to real-life situations. Students work under the supervision of attorneys who serve as Externship Placement Supervisors. Students and the externship placement supervisors also work collaboratively with the Externship Program Coordinator and Faculty Supervisor, a faculty member who coordinates and supervises the Externship Program.

The available externships cover the full range of legal practice and include civil and criminal litigation, legislation, judicial placements, and administrative and regulatory practice. Legal offices that offer field placements to Dickinson law students include public defenders, Legal Services offices, district attorneys, numerous sections in the Pennsylvania Attorney General's Office, a United States Attorney, federal and state courts, federal and state agencies, municipalities, the Governor's Office, and others.

Externship students work with practicing attorneys and judges in a variety of substantive legal areas. These areas include bankruptcy, bank regulation, child custody, civil rights, communications regulation, criminal law, environmental law, health law, landlord-tenant law, trade regulation and torts, among others. Students placed with government agencies work on a variety of state and local government issues including government liability, sovereign immunity, open meetings requirements and enforcement of regulations.

II. Program Goals and Educational Objectives

A. Training in Interpersonal and Professional Lawyering Skills

Students will gain practical experience in a variety of lawyering skills including research and writing, interviewing, counseling, negotiation, time management and accountability, written and oral presentation, and in some cases, court appearances. Students may become certified legal interns after successfully completing three semesters and completing the application process more fully described in Section IV, page 4. Certified legal interns can represent eligible clients or governmental agencies in formal legal proceedings. After successfully completing three semesters of law school, students may become certified legal interns and may represent eligible clients or governmental agencies in formal legal proceedings. Evidence and Professional Responsibility are highly recommended for students seeking certification in the second semester of their second year of law school. Second and third-year students may also observe and participate in informal or administrative proceedings where student certification is not required.

B. Training in Research, Writing and Analytical Skills

The ability to communicate clearly and accurately is essential for every lawyer. Depending upon the placement, the externship students will engage in the following:

- Conduct legal research
- Review legal documents
- Interview clients and witnesses to collect facts
- Draft legal documents including briefs, motions, pleadings, discovery documents, internal office memoranda, and correspondence. Draft legislation, regulations, and opinions.
Although law students are not counsel of record, it is appropriate for student authors and contributors to sign some documents, such as memoranda and correspondence, and to be recognized on others, including briefs filed in court.

C. Substantive Education

Most externship offices focus on a specialized legal area, such as health law, criminal law, antitrust, environmental law, telecommunications, or civil rights. In these externships, students will learn the substantive body of law and gain experience in the procedural framework that forms the practice of the particular placement. Students with an interest in a particular field, such as environmental law, for example, will have a first-hand opportunity to compare their expectations with actual practice. In addition, by working in a specialty, students will add experience to their mastery of the doctrine taught in academic courses.

D. The Opportunity to Learn How to Learn from Experience

The law does not stand still, so after graduation from law school and throughout their careers, attorneys must learn new skills and substantive areas of the law, and update others. Competent attorneys must train themselves to learn independently and from experience. Externship students will practice this valuable skill by performing a variety of new skills and then by analyzing their performances in meetings with their placement supervisors, faculty supervisor, and in class discussions with colleagues. In the classroom, externship students will have the opportunity to compare notes and discuss the ways in which other students and their supervisors have dealt with similar situations, and to develop strategies for dealing with unanticipated questions that they may confront in practice.

E. Insight into the Legal System

Externship students will observe administrative and judicial proceedings and practice a variety of typical legal tasks. By participating in the legal system, students will gain an appreciation of its strengths and come to care about its quality, effectiveness, and fairness. Throughout the year, students will learn first-hand about the impact of the law and procedure on real clients who face serious legal problems, and others, such as witnesses and victims, who are directly affected by the legal system. These experiences will allow students to examine how legal institutions function and will prepare them to take an active role in strengthening the justice system.

F. Recognition of Professional Responsibility and Ethics

In every externship office, supervising attorneys are assigned to work with students and provide direction and feedback on their work. Supervisors also model ethical and zealous practice for their students. Students, in turn, will learn to recognize and analyze the ethical issues that arise in the practice of law.

III. Eligible Externship Placements

A. Approved Externship Placements
Students are placed in a variety of different legal settings in externships, including judicial chambers in the federal and state court system, prosecutorial offices in the federal and state court systems, public defender offices, state government administrative offices, cabinet level agencies, Penn State offices, legal service offices, local government offices. The externship course is open to students who are in good academic standing and have completed the first year curriculum.

Placements are available to rising 2L and 3L students. These placements allow students to work directly with a judge, court personnel, and full-time clerks doing legal research and writing and observing trials, conferences, and arguments.

Externships involving civil or criminal litigation provide students with opportunities to represent the plaintiffs, defendants, or the state. The students assist staff lawyers in case development, motion practice, briefing, negotiation, and trial practice.

Other externships are in federal, state, or municipal government departments and agencies, in which the primary work involves administrative proceedings, including drafting regulations and assisting in government meetings and administrative hearings. These administrative agency placements provide intensive experience in specific legal specialties such as antitrust, telecommunications, education, health, labor, and environmental law.

Finally, legislative placements with individual legislators, committees, or support agencies allow students to work in drafting and interpreting legislation.

Students with a strong interest in a particular area of the law can gain insight about the work through a field placement in that subject, which may confirm their interest or cause them to re-evaluate career plans. On the other hand, students who are planning a career in one aspect of the law, criminal defense for example, can use a field placement in a prosecutor's office or a non-criminal placement to gain experience in another side of the law before committing to a full time job. Students committed to appearing in court should wait until their third year when they can be certified as “Certified Legal Interns” for both semesters and can appear in judicial proceedings with supervision of a lawyer.

B. Creating Externship Placements

There are many other potential externship opportunities in addition to those listed above and are available to students with approval from the faculty supervisor and the Associate Dean for Academic Affairs. Students with interests in specific areas of the law are encouraged to seek out other externships with the relevant government agencies and public service legal organizations. Many such offices need legal assistance and welcome the opportunity to train and work with Penn State Dickinson School of Law students. Students may wish to consult members of the faculty for suggestions of agencies that could provide a specialized field placement. Many faculty members may be able to facilitate these externships by introducing students to their colleagues in these agencies and public service law offices.

Students interested in developing a new externship placement should consult the faculty supervisor. An application for approval is available upon request to the faculty supervisor. The Associate Dean for Academic Affairs, upon recommendation from a law
school externship faculty supervisor, can approve individualized externships for interested students. Students must have approval before making final arrangements with the new placement.

Externships may be approved in federal, state, or local government agencies and in not-for-profit organizations that perform public interest or public service legal work. Students must be supervised by an attorney and must be doing law-related work of the nature and difficulty that would be expected of a junior lawyer in the office. Although many lawyers do not engage in the active practice of law, law school credit will not be granted for non-legal work.

IV. Student Certification to Practice

In Pennsylvania, under Supreme Court Rule 321, a student who has completed three semesters of law school may apply to become a Certified Legal Intern. Certified students may appear in Pennsylvania trial courts under the direction of their supervising attorney.

The State Bar rule does not require Certified Legal Interns to have taken Evidence, but it is highly recommended for every student who may appear in court, as well as those who may be observing judicial or administrative proceedings. Students appearing in court or other official proceedings must be accompanied and supervised by a supervising attorney at all times.

If an externship offers opportunities to appear in court and you are eligible for certification, please download an application form from the Pennsylvania Board of Law Examiners website:

http://www.pabarexam.org/non_bar_exam_admission/321_322_app.htm

The certification process can take several weeks, so it is wise to apply for certification as early as possible in the semester. Students should bring or send the completed application to either the Carlisle or UP Director of Career Services. They will coordinate with the Registrar to have the application signed by a law school official and forwarded to the Pennsylvania Supreme Court’s Office of the Prothonotary.

It is absolutely critical for students to read Pennsylvania Bar Admission Rules 321 & 322 prior to submitting an application, and then again upon receiving the certification. Pennsylvania grants the privilege to engage in practice as a student in some circumstances for students’ educational benefit, but limits and conditions that privilege. Students are responsible for knowing the limits and requirements of their permission to engage in limited practice. Students should discuss questions about whether the rules permit a particular activity with their externship supervisor. Students should not rely on supervisors to know the details of the rules without reference to their actual language, and should not rely on what others are doing.

V. Student Responsibilities

A. Student Eligibility Requirements and Application and Selection Process

Externship opportunities are available to students who have completed the first
year curriculum and who are in good academic standing. Recruitment and information sessions are scheduled throughout the academic year. Students are encouraged to attend the information sessions about various externships or ask students currently serving in externship placements.

Students who are interested in an externship opportunity must file an application. The application and directions for completion and submission are accessible on the academic web page under Externships. Externship placements often require additional information and students should be sure to check the requirements of the prospective extern placement. Many externship placements are filled by the competitive process; interviews can be scheduled on campus or with the assistance of the Career Services Office. Students are advised that once an externship placement is accepted, the externship can only be dropped if the student has permission from the externship faculty supervisor after the student has spoken with the externship field supervisor.

B. Time Commitment

Most externships are for three credits per semester and require a minimum of ten hours of work per week. Some externship placements require a two semester commitment. Students are expected to work on site at the externship placement at least two days per week. Circumstances may arise that prevent a student from being on site for two days each week and it is the expectation that a student advise and work with the externship placement supervisor to satisfy scheduling requirements and at the same time optimize the externship experience. Some externships require a two semester commitment. Students should note that the externship can be dropped only if the student has permission from the faculty supervisor after the student has spoken to the externship field supervisor.

C. Scheduling

It is the student’s responsibility to agree with the supervising attorney on the externship schedule, including the days of the week and hours to be worked. Supervisors are likely to be more flexible and understanding if they receive early advance notice of an unavoidable conflict. A reasonable amount of time shifting is permitted to anticipate or make up for missed externship hours, but students must notify their supervisor if they will not be at the office on any particular day.

Students should do as much work as possible at the externship office and should accompany their supervisor and other attorneys to hearings, meetings, interviews, and other assignments out of the office when possible. Working at the externship office will allow students to observe the daily routine and work-style of the lawyers there. In addition, being present in the office provides the opportunity to develop relationships with mentors, colleagues, and other intangible benefits.

The Externship Standards require students to work a minimum of ten hours per week to earn three credits. The total hourly requirements are calculated by multiplying ten by the number of weeks in the semester (excluding exams), irrespective of the fact that a holiday may fall on a student’s "normal" clinic day. Students should expect to spend more than the minimum time, especially when responsible for a case or project with a deadline.
Supervisors and clients rely on students and their work, so the responsibility is significant and real.

D. Office Policies & Procedures

Most law offices have strict policies prohibiting confidential files from being taken out of the office. In addition, most government agencies and public interest law offices have office procedures on smoking, casual dress, obtaining supplies, and so forth. Students should be prepared to learn the office policies and procedures of their externship office and observe them. Students should also familiarize themselves with the office policy on use of computer, cellular telephones and social networking: students will be expected to comply with the same office policies and procedures as other employees.

The first-year legal writing courses, among others, have prepared students to research, analyze, and write both neutral and persuasive legal memos and briefs in a standard format. The law offices that serve as externship placements often require specialized forms and templates and may have their own specialized forms and formats, so students should be prepared to understand the significance in using a particular format, appreciate the differences in styles, understand the purpose for them, and conform their writing to the format of their externship placement organization.

E. Professional Responsibility

Externship students work on actual legal matters and should act in a professional and responsible manner at all times. The Pennsylvania Rules of Professional Conduct, adopted by the Pennsylvania Supreme Court, should serve as a guide. Students should understand and adhere to the requirements of these rules, especially with regard to confidentiality, competence, and diligence.

Overall, law students should be guided by the Preamble to the Rules, which states that the "lawyer should strive to attain the highest level of skill, to improve the law and the legal profession and to exemplify the legal profession's ideals of public service." Rules of Professional Conduct, Adopted by Order of the Supreme Court of Pennsylvania (dated Oct. 16, 1987) (effective April 1, 1988).

1. Confidentiality and Conflicts

Rule 1.6 states, in part: "(a) A lawyer shall not reveal information relating to representation of a client unless the client gives informed consent, except for disclosures that are impliedly authorized in order to carry out the representation ...." The purpose of the rule is to prevent disclosure of confidential information without the permission of the client, except as is necessary in the course of the representation, to prevent the client from committing a crime, or to enable the lawyer to present a defense in a conflict with the client. This duty of confidentiality continues even after the lawyer-client relationship has ended.

Any confidential information that students learn in their externship must be
maintained in confidence and may not be disclosed, even to law school faculty or other students. Confidential information about cases and clients should not be disclosed to anyone outside of the externship or discussed with anyone other than attorneys and other authorized personnel in the externship office. The Rule, however, does not bar students from discussing their externship experiences in general, or from discussing any matters that are on the public record. In class discussions, as well as outside of class, students should refrain from identifying parties or witnesses unless the facts are public, or from discussing confidential information or strategies. Respecting confidentiality is especially important in the externship class discussions because of the wide variety of government and public service law offices represented in the externships program.

Finally, students should be alert to any possible conflicts of interest between the externship and past, present, or future employment. Having worked in an externship does not disqualify a student from obtaining a job on "the other side" or with a private firm that practices before a student’s externship government agency. Indeed, experience in government service, acquaintance with government lawyers, and insight into their procedures can be a genuine benefit for practitioners. Students must, however, notify a supervising attorney if 1) the student has worked with any client or on any matter that is pending in the externship office or 2) the student has worked with any client or any matter that arises in the externship office. If such a situation occurs, the student may be assigned to work on other projects and the externship office will implement a procedure to prevent the disclosure of any confidential information.

2. Competence

Rule 1.1 states: "A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation." Students should make sure to understand each assignment fully. Externship students are ordinarily given considerable responsibility in their assignments and high quality, professional work is expected. Before beginning a project students should be sure to understand the nature of the assignment and the issues to be researched. Students should review the relevant facts and any information or other material that should be studied before beginning the assignment. Ask supervisors about the deadlines and the kind of work product that he or she expects (a draft or an internal memo, a neutral discussion of the law on an issue or a persuasive argument, or a discussion of policy).

3. Diligence

Rule 1.3 states: "A lawyer shall act with reasonable diligence and promptness in representing a client." Busy lawyers can procrastinate and delay projects until the last minute. This Rule recognizes that delay and missed deadlines can damage the client’s interests and directs professionals to avoid undue delays. Therefore, externship students should strive to budget their time efficiently in order to produce professional work without delay.

When a student will be unable to meet a deadline for any reason, they should contact a supervising attorney immediately. In some cases, the student or a supervisor
may need to seek an extension of time from the court or administrative agency, while in other cases, extensions may be unavailable and the project may have to be reassigned. In any case, an early warning of any deadline problems will give supervisors the chance to make sure that the project is completed in a timely fashion.

VI. Externship Standards

Experiential Learning opportunities include Externships and Clinics.

1. The following rules apply to Externships and In House Clinics:

   a. Externships and In-House Clinics are subject to the rules regarding co-curricular credits. Students are advised to consult the Academic Handbook for guidance and rules on curricular credits. The rules set forth in the Academic Handbook are binding. The Academic Handbook is accessible on the Penn State Dickinson School of Law website. Students should note that the co-curricular rules applicable to externships are also applicable to in-house clinics and students should consult the rules in connection with planning their experiential learning opportunities.

   b. Students may not enroll in an externship and an in-house clinic during the same semester, unless there are exceptional circumstances and subject to the approval of the Externship Program Coordinator and Faculty Supervisor. Some externship placements and in-house clinics require or recommend a two semester commitment and students are encouraged to understand the scope of the commitment prior to enrolling in either an externship or an in-house clinic. A student may receive clinical credit for no more than three semesters of academic year clinical work, no matter how many total hours of clinical credit the student earns in those semesters. This rule is necessary because enrollment in clinics is limited, and it is the policy of the school to enable as many students as possible to take clinical courses.

      Four credits are awarded each semester for most In-House Clinics; however, 1 or 2 credits may be earned in some In-House Clinics. Nevertheless, students are limited three semesters of clinical work for credit. In no event, however, shall a student be permitted to enroll in the same clinic for more than two semesters.

   c. All of the In-House Clinics are graded, except that the Art, Sports, and Entertainment Law Clinic may be taken for 1 ungraded credit or 2 graded credits per semester. All Externships are on a credit/no-credit basis, ordinarily for 3 credits per semester.

2. The following additional rules apply to Externships:

   a. Students in Externships should have the opportunity to gain experience in the full range of functions performed by lawyers in the office in which they are placed. To this end, it is anticipated that students will be involved in the research, preparation, and drafting of documents that are generated by lawyers in the office including, but not limited to, motions, pleadings, discovery documents, internal office memoranda, legal opinions, and drafts of legislation and regulations. The attorney supervisor is required to review critically the
written work produced by students and should assist students in improving their research, writing, and analytical skills. Supervisors should cooperate, within the constraints of professional responsibility, with efforts by students to seek evaluations of their written work by the faculty member who serves as the coordinator of the Externship program.

b. Each Externship office is required to give students instruction in the body of law, including the procedural framework that forms the office’s practice. When possible, students should be given the opportunity to represent eligible clients or governmental agencies in formal legal proceedings consistent with Pennsylvania Bar Admission Rules 321 and 322 and other states’ rules governing the practice of law and to participate in informal or administrative proceedings where student certification is not required. The school will assist in obtaining certification for students who have completed three semesters of legal studies. When not appearing on behalf of an indigent person or a governmental agency, students should be permitted to observe administrative and judicial proceedings and, when appropriate, participate in client interviews, discovery, arbitrations, negotiations, pretrial conferences, witness preparation, strategy sessions, trial preparation and the like.

c. Students are required to work two days per week and at least ten hours per week (140 hours per semester) during the fall and spring semesters. Summer externship placements are available on an ad hoc basis: subject to the approval of the Externship Program Coordinator and Faculty Supervisor. Summer externship placements are also for three academic credits; however, the expectation is that students work for at least 30 hours per week for an 8 week period. Students are required to maintain a weekly log of their activities including opportunities to meet with the supervising attorney, review by the supervisor of written work, client contact, advocacy, observation of proceedings, and hours devoted to the Externship. Students must submit copies of the weekly summaries to their attorney supervisor and the faculty coordinator at the times designated in the course rules for review prior to the award of credit. In addition, the attorney supervisor shall submit to the faculty supervisor a written evaluation of each student’s performance at the end of the semester. Students may not receive compensation for any work for their field placement office during their participation in an Externship, but reasonable expenses may be reimbursed.

d. Each Externship office shall identify at least one lawyer to act as supervisor for the assigned students. The assigned lawyer shall bear the responsibility for ensuring each student’s fulfillment of the clinic’s objectives. The supervising attorney shall seek guidance and counsel from the faculty coordinator concerning the school’s expectations and consult periodically during the semester with the faculty coordinator.

e. The school will review Externships periodically to ensure compliance with the educational objectives of the clinic. It reserves the right to discontinue an Externship if it concludes that the externship is not serving the school’s educational objectives. The school may require Externship supervisors to participate in training sessions at the school.
f. The faculty supervisor for Externships shall meet periodically each semester (or during the summer) with students in the externship clinic to review the students’ work in the clinic and shall make an effort to visit and stay in contact with the Externship office to meet with field instructors to ensure that those instructors are fulfilling their responsibilities with respect to the educational objectives of the externship.

g. Each student in an Externship shall submit reports during the semester (or summer) to the faculty instructors. The report shall summarize the major activities in which the student was engaged during the clinic, shall describe opportunities the student had during the clinic to meet with and receive feedback from the field instructor, and shall otherwise comment on the educational opportunities offered by the clinic.

h. The faculty supervisor shall have each student complete an evaluation of the field instructors he or she has worked with during the semester.

i. Students in Externships are required to attend instructional meetings to be scheduled during each semester.

j. Externships shall not discriminate in the selection of students on the basis of age, ancestry, color, disability or handicap, national origin, race, religious creed, sex, sexual orientation, or veteran status.

VII. Externship Supervisors

Each externship placement office is required to identify at least one lawyer to act as a direct supervisor for the externship students. The placement supervisors are encouraged to consult with the faculty supervisor about students’ progress or any issues that may arise.

The placement supervisor is responsible for assigning projects, giving formal and informal feedback, and monitoring the work product. The placement supervisors provide immediate direction, continuing consultation, and prompt feedback to students about their assignments, offer mentoring and informal career counseling, and act as models of professional conduct. More importantly, each placement supervisor has an important role in providing opportunities that will allow students to fulfill the general objectives of the externship program and the students' personal goals. Supervisors should be alert to make opportunities available for students to participate in or observe a variety of aspects of the practice of law in that agency, and to be available to answer questions about the practice.

The student/supervisor relationship is a two-way street. Supervisors will make a variety of different types of legal assignments. In return, students have the obligation to produce professional work in a timely manner. Students should make an effort to meet regularly (ideally, once a week), with their supervisor and other lawyers in the office to discuss assignments, and also to learn more about the work of the office and how the students’ projects fit into that work.

A field placement is designed to be an educational experience in a working law office, so assignments should be varied and allow students to participate in the full range of work done by the externship office or agency. Observing the daily work of the lawyers and
talking informally with mentors and supervisors about their practice is a valuable part of the experience for students.

VIII. Use of Computers

A. Office Computers

Many offices have policies on computer use. Students should inquire about these policies at the beginning of their placement, and abide by them carefully. Even in the absence of such a policy, students should not use the computers at the field placement offices for personal correspondence or instant messaging. Internet usage should be restricted to work purposes.

It is also useful to inquire about using office computers for timekeeping. Most offices will permit or even encourage such use, as timekeeping is an integral part of externship activity, and is done best when kept current.

B. Online research

Online research can be a valuable tool in field placement work, and the law library provides access to a wealth of resources. See, for example, the resources listed on our website at http://law.psu.edu/library. Students and supervisors should be aware, however, of the limits on use of these resources. Many of them provide unrestricted access to students, but access is based on the use of a PSU IP address (most often meaning that you are using a computer on-campus). Others are available elsewhere, but have license limits on the conditions under which they may be used.

Online research using Lexis or Westlaw passwords is governed by the licensing agreement with each of the vendors. It is the student’s responsibility to comply with the limits set, which were explained when the passwords were issued. Any questions can be directed to the vendors’ representatives, but we include here the basic policies on use of passwords for externship work.

Students may use their Westlaw password for any project/assignment for which they are receiving credit toward graduation, except that students may not use their Westlaw passwords if they are working for a Federal, State or County government entity, even if the work they are doing is for credit toward graduation. In effect, this means that for most of our placements students are not permitted to use their Westlaw student passwords to perform computerized legal research. Students working for non-profit organizations should be able to use their Westlaw password for their field placement work.

Lexis policy now permits students to use their password to perform work in an unpaid internship, externship or clinic for school credit. We have not been notified of any restrictions by Loislaw on students’ use of their database for field placement work. Students may, of course, use the computerized legal research facilities at their externship office with their supervisor’s authorization. If a supervisor has any questions regarding use of student passwords for field placement work, please direct them to the faculty externship instructors.

Our externship locations are government agencies and public service law offices.
Many of these offices have limited budgets to pay for computerized legal research, so they may lack the extensive computer research capabilities available at the law school. Doing traditional legal research using the reporters and other research materials, including secondary sources and brief banks, is good experience for any future employment with small firms, government agencies, and public service firms, which rely heavily on traditional research tools.

IX. Emergencies

In case of an emergency with a client, case, or assignment, contact the supervising attorney for your externship placement promptly. If appropriate, students should also notify their faculty instructor.

X. Contacts

Administrative
Career Services Office
717 240-5218
814-867-1255

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