

EXTERNSHIPS

PROGRAM MANUAL



PennState Law

TABLE OF CONTENTS

	<u>Page</u>
I. Introduction.....	1
II. Program Goals and Methods	1
III. Educational Objectives: Learning Outcomes.....	1-2
A. Articulate the concept of professional identity and cultivate their own professional identity.....	1
B. Perform ethically with attentiveness to all relevant rules of professional conduct and self-awareness.....	2
C. Improve their knowledge and practice skills in a particular area of substantive law.....	2
D. Engage in reflection that fosters learning from experience, and learning for transfer.....	2
E. Evaluate the justice system and examine their role in it.....	2
IV. Eligible Externship Placements.....	3
A. Pre-Approved Externship Placements.....	3
B. Proposing New Externship Placements.....	3
V. Student Certification to Practice.....	4
VI. Student Responsibilities	4
A. Eligibility and the Application Process.....	4
B. Time Commitment.....	4
C. Adding or Dropping the Externship Placement and Course....	5
D. Externship Placement Office Policies & Procedures.....	5
E. Professional Responsibility	5
1. Confidentiality and Conflicts.....	6
2. Competence	6
3. Diligence.....	6
VII. Externship Standards	7
VIII. Supervising Attorneys: Roles and Responsibilities.....	9
IX. Use of Computers.....	10
A. Externship Placement Office Computers.....	10
B. Online research	10
X. Emergencies.....	11
XI. Contacts	11

I. INTRODUCTION

Externships offer students the opportunity to meld doctrine with practice. Students do substantive legal work for credit, in law offices outside the law school, supervised by Supervising Attorneys. Students also have an academic component, taught by an Externship Faculty Supervisor. The Faculty member and on-site Externship Supervising Attorney collaborate with the student, and Penn State Law's Career Services Office, to ensure the Externship has high educational and practical value for the student.

Penn State Law Externship placements include federal and state judicial chambers, district attorneys, United States Attorney offices, federal and state public defenders, domestic violence advocacy groups, indigent legal services, the Pennsylvania Attorney General and other state government agencies, and Penn State University legal offices. A current list of approved Externship placements can be accessed through the Career Services Office, or the Penn State Law website.

Externship students engage in reflective learning, using materials like learning agendas, self-evaluations, reflection essays, time/matters reports, and in some cases research papers. Faculty Supervisors conduct tutorials and other interactive sessions to enable students to reflect on their Externship placement work in substantive legal areas. These areas may include bankruptcy, family law, intimate partner violence, civil rights, communications regulation, criminal law, energy and environmental law, health, housing, education, trade, government liability, & voting rights.

II. PROGRAM GOAL AND METHODS

A. The program's Goal is to cultivate students' professional development through synthesis of substantive legal work experiences and reflective learning, by which they contextualize their doctrinal knowledge within the practice of law and the overall justice system.

B. Our Methods are: 1) Immersion in Real Practice; 2) Dual Supervision; 3) Guided Reflection; and 4) Self-Directed Learning. All Externship students, Supervising Attorneys and Faculty Supervisors must engage in these program methods, as described here and in other Externship Program written agreements.

III. EDUCATIONAL OBJECTIVES: LEARNING OUTCOMES

We expect students in all externships to:

A. Articulate the concept of professional identity and cultivate their own professional identity

Students will use a Learning Agenda to articulate their goals for the Externship, and will reflect on the relationship of those goals to their own professional identity development. Supervising Attorneys and Faculty will provide feedback on the goals and the opportunities within the Externship and the tutorial, to meet those goals. Faculty Supervisors will give students opportunities for reflection, feedback and evaluation on professional identity development, using reflection essays and other tutorial interaction.

B. Perform ethically with attentiveness to all relevant rules of professional conduct and self-awareness

Students will examine their professional responsibilities as lawyers in context. This includes analysis not only of legal ethics and compliance with the Rules of Professional Conduct, but with leadership and the uses of power and influence which a law degree makes possible. Students will begin to exercise judgment and responsibility in their lawyering roles.

C. Improve their knowledge and practice skills in a particular area of substantive law

Students will identify and build selected and focused lawyering skills and doctrine particular to their placement type, as part of a lawyering process to promote transfer. Students will gain a greater understanding of the legal theory and doctrine pertaining to the areas of law in which their placements focus. They should be able to integrate this substantive knowledge with the actual work of their placement, and reflect on this with their faculty supervisor.

D. Engage in reflection that fosters learning from experience, and learning for transfer.

Students will practice reflective lawyering by focusing on their tasks and observations in the externship placement, and then analyzing those with guidance from their Supervising Attorneys and Faculty Supervisor. This reflective learning will follow a conscious process: experience, reaction, theory, and application. Students will use reflective writing, guided discussions with supervisors, faculty and peers, time and matter tracking, and self-evaluation tools. Students will demonstrate the ability to transfer those lessons to more complex problems and to other settings.

E. Evaluate the justice system and examine their role in it

By participating in the legal system, students will gain an appreciation of its strengths and weaknesses. Through critical examination they will reflect on their opinions about its quality, effectiveness, and fairness. Students will learn first-hand about the impact of the justice system on clients and others, such as witnesses and victims, who are directly affected. The externship's reflective learning experiences will allow students to evaluate the ways legal institutions function in society, and analyze their own role in strengthening the justice system

IV. ELIGIBLE EXTERNSHIP PLACEMENTS

A. Pre-Approved Externship Placements

Penn State Law has externship placements in a variety of legal settings, including federal and state judicial chambers, state and federal prosecutors/public defenders state and local government administrative offices, Penn State University legal offices, legal service offices, and non-profit legal organizations. Externships are open to students who are in good academic standing and have completed the first year curriculum. Some externships offer “Certified Legal Intern” status, whereby students can prepare pleadings and appear in court under attorney supervision. (See Section V below)

Examples of our Pre-Approved Externship Placements:

Judicial chambers placements allow students to work directly with a judge, court personnel, and law clerks doing legal research and writing and observing trials, conferences, and arguments.

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

Government externships are in federal, state, or municipal government departments and agencies, or with individual legislators or committees. In these placements, students may work on drafting and interpreting legislation or regulations, assisting with government meetings and administrative hearings. These placements can provide intensive experience in specific legal specialties such as antitrust, telecommunications, education, health, labor, and environmental law.

Higher education externships involve legal work at offices within Penn State University. These placements could involve athletics compliance issues, student legal services, and other education law issues. Student experiences may include legal research, contract review, client interviewing and counseling, and administrative hearings. **A current list of pre-approved externships is available from the Career Services Office, 307 Lewis Katz Building.*

B. Proposing New Externship Placements

Students may propose a new externship placement, subject to approval from the Faculty Supervisor and the Associate Dean for Academic Affairs. To be approved, an externship should provide the student with a substantial lawyering experience that is reasonably similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks under the supervision of a licensed attorney or an individual otherwise qualified to supervise them. The New Externship Proposal Application is available on the Externships page of the Penn State Law website.

Students are encouraged to seek out other externships in their areas of interest. Those could include government agencies, public interest organizations, or almost any entity that performs legal work. Many offices need legal assistance and welcome the opportunity to train and work with Penn State Law students. Students may consult members of the faculty for suggestions of entities that could provide a specialized field placement, and possibly for facilitation of contact with their colleagues in those entities. The Career Services Office also provides tailored advice for each student.

V. STUDENT CERTIFICATION TO PRACTICE

Under PA Supreme Court Rule 321, a student who has completed three semesters of law school may apply to become a Certified Legal Intern (CLI). CLIs may appear in PA courts and prepare court pleadings under close supervision of their Supervising Attorney. Students whose Externships require or allow Certification must download the application from the PA Board of Law Examiners at:

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

Certification approval takes weeks, and students are responsible for determining if it is necessary, and applying early (prior to the semester's start is best). Students must submit their completed application to the Career Services Office, who will get the application signed by a law school official and forward the application to the Prothonotary of the PA Supreme Court. Students must review Pennsylvania Bar Admission Rules 321 & 322 prior to submitting an application, and again upon receiving the certification. Students must understand the limits of the practice rule, and stay within them. Students and their Supervising Attorneys should discuss those limits as to all student Externship work. Students are responsible for abiding by the Rules' limits on their permission to engage in limited practice, and the precise requirements of the Rules. Students should never base a decision about whether an activity is permissible under the Rules on what other Externs or Supervising Attorneys are doing.

VI. STUDENT RESPONSIBILITIES

A. Eligibility and the Application Process

Externships are available to students who have completed the first year curriculum and are in good academic standing. Penn State Law has numerous pre-approved externship placements with a wide variety of employers. Students interested in an externship must submit an application, which is coordinated by the Career Services Office and the Externships Faculty Coordinator. The process, including deadline dates for each semester, is explained in the Application document(s) on Penn State Law's website pages for Experiential Learning and Career Services. Many externships require an interview, which is scheduled through the Career Services Office for pre-approved externship employers. Students applying for externships at new placements not yet pre-approved by Penn State Law must submit to the Externships Faculty Coordinator a New Externship Proposal Application, available on the law school website's Externships page.

B. Time Commitment

Most externships are for 3 credits per semester and require a minimum of 10 hours of work per week (Fall or Spring) or 30 hours per week in the Summer, exclusive of travel to and from the field placement. 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. Students desiring waivers from these protocols must gain permission of their faculty supervisor and their externship supervising attorney in advance of registration for the course. Students must follow the work schedule set out by their Supervising Attorney, and notify them in advance if they will not be at the office on any particular day. Failure to appear on the designated day(s) for the externship could result in the student being dropped from the course and receiving a "NC" on their transcript. Students should accompany their

Supervising Attorney 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 and colleagues, and other intangible benefits. Students should expect to spend more than the minimum time, especially when responsible for a case or project with a deadline.

Student must also participate in the academic component with their Faculty Advisor, which includes a learning agenda, class meetings or tutorial sessions, reflective essays and/or a substantial research paper, self-evaluations, and work reports.

C. Adding or Dropping the Externship Placement and Course

Once an externship placement is approved by the externships faculty member and accepted by the student, the student may add the Externship course. An accepted externship may only be dropped with permission from the Externship Faculty Coordinator or Supervisor, and the Externship Placement Supervising Attorney. Failure to follow this protocol prior to dropping the class could result in the course being recorded as "NC" on the student's official transcript.

D. Externship Placement Office Policies & Procedures

Students will be expected to comply with the same office policies and procedures as other employees. Students should therefore familiarize themselves with the externship office's policies on use of computer, cell phones, smoking, casual dress, obtaining supplies, and so forth. Most law offices have strict policies prohibiting confidential files from being taken out of the office. The office may also require specialized forms and templates for legal writing, and students must comply with those requirements.

E. Professional Responsibility

Externship students work on actual legal matters and must conform with the applicable rules of professional responsibility of their externship's jurisdiction. The Pennsylvania Rules of Professional Conduct's Preamble, for example, provides that "lawyer[s] 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." The rules regarding confidentiality, competence, and diligence are of primary importance, and the following is a summary of Pennsylvania's Rules on those issues:

1. Confidentiality and Conflicts

PA Rule of Prof. Conduct 1.6(a) explains that "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" This duty of confidentiality continues even after the lawyer-client relationship has ended. Confidential client information that students learn in their externship must be kept secret, even from law school faculty or other students. Cases and clients should never be discussed outside the externship office. However, students *may* discuss their externship experiences in general, and matters that are on the public record. Respecting confidentiality is especially important in externship class discussions

because of the variety of law offices represented in the externships program, some of which may even have cases against each other.

On that note, students should be alert to any possible conflicts of interest between the externship and past, present, or future employment. Having worked in one legal office does not disqualify a student from obtaining a job on "the other side." Indeed, such experience has distinct benefits. Students must, however, notify their Supervising Attorney if 1) the student has worked with or against any client or on any matter that is *pending* in the externship office or 2) the student has worked with or against any client or matter that arises in the externship office. If such a situation occurs, the student may be reassigned to other projects and walled off from the client/matter to prevent disclosure of any confidential information.

2. Competence

PA Rule of Prof. Conduct 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." Externship student assignments ordinarily bear significant responsibility, and Supervising Attorneys expect high quality, professional work. Externs must communicate with their Supervising Attorneys to clarify the expectations for each assignment, the issues to be researched, the relevant facts and any other material that should be studied. Externs must clarify their deadlines and nature of the expected work product (e.g., a brief or internal memo, a neutral discussion of the law on an issue or a persuasive argument, or a discussion of policy).

3. Diligence

Busy lawyers—and students—can procrastinate and delay projects until the last minute. The Rules, however, directs lawyers to avoid undue delays, because they can damage the client's interests. A missed deadline can kill a client's case, and is grounds for malpractice. PA Rule of Prof. Conduct 1.3, for example, states: "[a] lawyer shall act with reasonable diligence and promptness in representing a client." Externs must therefore manage their time to produce professional work without delay. If a student anticipates difficulty meeting an assigned deadline for any reason, they *must* contact a Supervising Attorney immediately. Attorneys can then ensure the project is completed timely without prejudicing the client.

VII. EXTERNSHIP STANDARDS

A. Experiential Credits Requirement

To earn a J.D. degree a student must complete with a grade of least C one or more experiential course(s) totaling at least 6 credit hours. An approved externship will count towards the Experiential Credits requirement. Most externships are 3 credits or less, however, so students must take additional Experiential Credits to fulfill the degree requirement.

B. Co-curricular Credit Caps

Externships (like Clinics) are subject to the Academic Rules regarding the maximum co-curricular credits in which a student may enroll. Students must consult the Academic Handbook for the current rules on co-curricular credits, which are binding. The Academic Handbook is accessible on the Penn State Law website. The Faculty Externships Coordinator, a student's Faculty Advisor, or the Associate Dean for Academic Affairs can provide further guidance for students.

C. No Simultaneous Clinic and Externship

Students may not enroll in an externship and an in-house clinic during the same semester except in exceptional circumstances. Students are not permitted to enroll in externship placements for more than two semesters absent exceptional circumstances. Students seeking such approval must consult the Associate Dean for Academic Affairs *before* enrolling in either course. Some externship placements and clinics require or recommend a two-semester commitment and students must plan accordingly.

D. Non-Discrimination

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

E. Hours and Credits

All Externships are on a credit/no-credit basis, ordinarily for 3 credits per semester. Students are required to work *on site* two days per week and at least ten hours per week (140 hours per semester) during the fall and spring semesters for 3 credits. Summer externships are normally 20-30 hours per week for 6-10 weeks for 3 credits. In rare cases, a student may be permitted to earn fewer, or more, than 3 credits per semester. If so, the necessary on-site hours will be pro-rated accordingly.

Students must make up any hours missed for legal holidays, inclement weather, law school holiday or other absences, arranged with their Supervising Attorney. If not, they are at risk of being withdrawn from the Externship course by the faculty and a receiving a grade of "NC" on their transcript.

F. Academic Component

Students must also participate in the academic component with their Faculty Advisor, which includes a learning agenda, class meetings or tutorial sessions, reflective

essays and/or a substantial research paper, self-evaluations, and work reports. Faculty Advisors will schedule the class meetings or tutorials each semester, either in person or using technologically interactive communication.

Faculty Advisors will maintain communication with the Externship Supervising Attorneys to ensure they are fulfilling their responsibilities with respect to the student's Learning Agenda, and the educational objectives of the externship program.

Externs will also submit a series of reflective essays, or in some cases a research paper. The research paper and/or reflective essay assignments will be developed with the students at the outset of the Externship to comport with each student's Learning Agenda and the number of credits being earned. For most 3-credit Externs during the Fall and Spring semesters, they will meet in small groups of externs at similar placements with a shared Faculty Advisor and perform the same assignments (either a series of reflective essays or a longer research paper).

G. Externship Work at the Field Placement Office

1. 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.
2. Penn State Law will review Externships periodically to ensure compliance with its educational objectives, and 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.
3. Students shall submit work reports during the semester to the Faculty Advisor, which may include opportunities to meet with the supervising attorney, review of written work, client contact and type of work, advocacy, observation of proceedings, and hours.
4. Each Externship office is required to give students instruction in the body of law, including the procedural framework that forms the office's practice. Externs should have the opportunity to gain experience in the full range of functions performed by lawyers in the office in which they are placed.
5. Students should 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.

VIII. SUPERVISING ATTORNEYS: ROLES AND RESPONSIBILITIES

Each externship placement office is required to identify one lawyer to be the Extern's Supervising Attorney. The Externship Placement Supervising Attorney agrees:

1. To provide the Extern a substantial lawyering experience that is reasonably similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks under the supervision of a licensed attorney or an individual otherwise qualified to supervise them.
2. To supervise the Extern, meet with the Extern initially about their Learning Agenda, and regularly discuss assignments & provide written and oral feedback. Supervision by the Externship Supervising Attorney can be delegated to another attorney at the placement with corresponding feedback on particular assignments, but the Supervising Attorney must complete the Extern's evaluations, review their self-evaluations and review their Learning Agenda.
3. To give the Extern opportunities to participate in and observe the day to day work of licensed attorneys in the placement entity and the legal system(s) in which it operates, including participating in, e.g., client interviewing and counseling, discovery, arbitration, negotiation, pre-trial conferences, witness preparation, fact investigation, case strategy development, legal research and writing, and trial preparation.
4. To give the Extern opportunities to represent eligible clients or governmental agencies in formal legal proceedings, if the Extern is certified as a legal intern, with attorney supervision consistent with Rules 321 and 322 of the Pennsylvania Bar Admission Rules or another state's rules governing the student practice of law. Penn State Law will assist in obtaining certification for any student who has completed three semesters and is academically eligible for certification.
5. To permit the Extern, if they are not eligible for certified legal intern or analogous student practice status, to observe and receive instruction concerning administrative and judicial proceedings.
6. To notify the Externship Coordinator and Faculty Supervisor if the Extern is not performing competently at any time during the externship.
7. To provide the extern with adequate work space, a safe environment, and research facilities.
8. To provide malpractice insurance to the extent that it is required by the Externship placement entity, because Penn State University does not provide malpractice insurance for student externs.

9. To attest that no compensation is paid for work performed by the Extern for which the Extern will receive academic credit, and that Externs may be reimbursed by the placement entity, only for out of pocket expenses associated with the externship.
10. To acknowledge that the externship is primarily for the educational benefit of the Extern; the Extern is not displacing or substituting for any employees.
11. To submit evaluations of the Extern's performance at the middle and end of the externship, using evaluation tools and submission methods provided by Penn State Law, to the Externship Program Coordinator and/or Faculty Supervisor. This includes reviewing and giving feedback about the Extern's self-evaluations and their Learning Agenda.

IX. USE OF COMPUTERS

A. Externship Placement Office Computers

Students and Supervising Attorneys should discuss office policies about computer at the beginning of the Externship, and students must abide by them carefully. Students should not use computers at Externship offices for personal matters. Because numerous Penn State Law Externships communication and other reporting methods are available online, using office computers for those should be explored. Those methods include timekeeping, evaluations, reports on types of client work, and learning outcomes, which are integral parts of an Externship experience.

B. Online research

Online research can be valuable in Externship work, and the law library provides access to a wealth of resources (see, e.g., <https://pennstatelaw.psu.edu/library/research>).

Students and Supervising Attorneys should be aware of the limits on some of the online resources. Many of the online vendors (such as Westlaw and Lexis) 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). Remote online access may be limited by the vendor. Students and their Supervising Attorneys should discuss the allowable use of the online legal research tools available at their Externship office. Students normally may use their law school-related passwords for projects for which they are receiving credit towards graduation, but they must comply with the limits set by the vendors on online access, use of passwords and related issues. Any questions should be directed to the vendors' representatives. If further questions arise, students or their Supervising Attorneys may consult the Faculty Advisor or Externships Coordinator.

Students should respect that their Externship placement offices may have limited budgets to pay for computerized legal research, so they may lack the extensive computer research capabilities available at the law school. Traditional legal research using statute and rule books, secondary sources and even internally generated resources such as brief

banks and other templates, is part of a well- rounded attorney's skillset, and students should engage in it under the guidance of the Supervising Attorney.

X. EMERGENCIES

In case of an emergency with a client, case, or assignment, contact the Supervising Attorney at your Externship placement promptly. If appropriate, students should also notify their Faculty Supervisor.

XI. CONTACTS

Administrative

For Employers:

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