



UNC
SCHOOL OF LAW

Externship Program

Site Supervisor Handbook

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SITE SUPERVISOR HANDBOOK

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SITE SUPERVISOR HANDBOOK

Introduction

3 and 5 Credit Program

Thank you for choosing to participate in the Externship Program at the UNC School of Law.

It is our goal to make your job as the site supervisor a rewarding experience. To that end, we have designed several tools, all included in this handbook, to facilitate your supervision of and feedback to your student extern. The following chapters and appendices provide forms, resources and legal information to assist you in the externship process.

Your student extern will work with you approximately 10 hours each week over the 14 week Law School fall or spring semester for a total of 140 hours, and will receive 3 units of pass/fail academic credit for completing his/her Externship. Student externs in the summer program work 32 hours per week during the course of the summer session and receive 5 units of pass/fail credit. The UNC Law Professor serving as Faculty Supervisor for your extern will be either Maria Savasta-Kennedy or Janine Zanin.

Please note that The University of North Carolina School of Law is committed to providing its students with equal opportunity to participate in the Externship Program without discrimination on the basis of an individual's race, color, gender, national origin, age, religion, creed, disability, veteran's status, sexual orientation, gender identity or gender expression (hereinafter his/her "protected status"). Participation in the Externship Program is restricted to prospective sites who agree to comply with this non-discrimination policy.

For additional information, and to submit the site supervisor agreement, please visit our website at www.law.unc.edu then click on Programs and Centers, and select the Externship Program link. Forms are available in a number of formats; please contact Melissa Wood-Saltzman, Program Coordinator, at msaltzma@email.unc.edu should you need any forms emailed to you.

Thank you once again for your decision to participate in the Externship Program. Please call us any time with questions, comments or concerns. We look forward to working with you.

Very truly yours,

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UNC SCHOOL OF LAW
EXTERNSHIP PROGRAM
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EXTERNSHIP PROGRAM MISSION STATEMENT

The Externship Program at UNC School of Law is designed to enhance traditional classroom instruction by engaging students in real life lawyering experiences with practicing lawyers and judges in the community. Students may participate in one of three program options. Students receive 3 units of pass/fail credit for externing with one of the Program's educational partner placement sites for approximately ten hours a week during the 14 week semester. Students may also extern during the 7 week summer session for approximately 32 hours per week for a total of 5 pass/fail credit hours. Finally, we offer a select number of 12-credit hour Semester in Practice experiences. Students extern 40 hours per week for the 14 week fall or spring semester and receive 12 pass/fail credit hours.

Judges at federal and state levels, and lawyers from government agencies, public interest groups, and corporate counsel offices serve as mentors and on-site supervisors for the students. The Externship Program's faculty supervisors guide and facilitate the students' exploration of their externship experience through tutorials, journal writing and class discussion.

Through the Program, student externs have the opportunity to "try on" and explore a particular area of practice and observe different lawyering styles and techniques. The Program aims to train students to examine legal doctrines and practice in the context of actual social and business problems and concerns. In the process, externships promote the students' development of key lawyering skills such as legal analysis, research and writing, interviewing and counseling, negotiation, policy making and both informal and formal advocacy. Through their work with faculty supervisors, students critically examine their learning strategies, their goals and progress, and develop self directed learning habits. The Program also promotes students' understanding of professional responsibility through discussion of ethical and moral issues arising in practice.

The Program works with approximately 175 students per year. We place up to 110 students at various externship sites during Fall and Spring semesters, up to 50 students during the seven week summer school program, and 12-15 students in the Semester in Practice program.

CHAPTER 2 – RESPONSIBILITIES OF SITE SUPERVISOR

Responsibilities of Extern Site Supervisor: These guidelines describe your role as the extern site supervisor and address such matters as the quality of assignments given to student externs, your contact with and supervision of student externs, and your evaluation of the student extern's work. Each site must sign and return a copy of this document before hosting a student extern.

University of North Carolina School of Law
EXTERNSHIP PROGRAM

RESPONSIBILITIES OF EXTERN SITE SUPERVISOR

The success of field placement programs depends on the willingness and ability of the supervising attorneys to serve as available role models and teachers. We ask all site supervisors to agree to the following responsibilities as a condition of participation in our program.

- 1) **Experience:** Externship Site Supervisors should have at least three years of practice experience.
- 2) **Orientation:** On the student's first day on site the site supervisor should provide a basic orientation including:
 - a) an office tour and staff introductions;
 - b) an overview of the jurisdiction or mission of the agency or organization and the general legal issues presently before it;
 - c) a briefing on office protocols including work schedules, security, filing systems, dress code, computer/phone usage, and email policies;
 - d) guidelines and resources for successful performance of extern assignments.
- 3) **Work space:** The Extern Site Supervisor should provide the extern with adequate work space, a safe work environment, and research facilities or necessary resources.
- 4) **Assignments:** The Extern Site Supervisor should ensure that:
 - a) The student's assignments are part of the agency or organization's regular workload and give the student some in-depth exposure to issues pertinent to the agency or organization's activities.
 - b) The student's assignments are as varied as the agency's or organization's workload and the student's abilities reasonably allow.
 - c) The student is included in discussions of strategy and implementation that arise out of research, writing or other work in which the student has played a significant part, whenever reasonably feasible.
 - d) The student is allowed to observe a sampling of matters that are routinely handled by the organization, but which are beyond the scope of the student's capabilities.
 - e) The student's assignments are reasonable in terms of the student's commitment to work for the agency or organization approximately ten hours per week in the fall/spring and 32 hours per week in the summer.
 - f) Menial tasks (filing, library updating, photocopying, running errands, etc.) will occupy a minimal percentage of the student extern's workload.
- 5) **Regular Contact and Supervision:** The Extern Site Supervisor should have regular contact with the student extern throughout the course of the semester, including:
 - a) **Developing Learning Goals and Work Plans:** The Extern Site Supervisor should work with the student to develop goals for the externship experience and form a work plan that will enable the student to meet these goals. (See the Learning Goals and Work Plan Form in Appendix A which provides a forum for this discussion.)

- b) **Weekly Meetings & Feedback:** The Extern Site Supervisor should meet with the student extern approximately once a week in order to provide the student with general supervision and regular feedback. (The student may also work with and be supervised by other individuals within the organization, provided that the Site Supervisor continues to maintain this regular contact). The subject matter of these meetings may include evaluating the student's performance over the course of the prior week, discussing the activities of the organization, and analyzing particular successes and problems that arise in the course of the externship. The Site Supervisor might also seek to assist the student in developing insights into legal practice, the lawyering process, the application of the Rules of Professional Responsibility in practice, the general legal principles involved in the organization's work, and otherwise provide guidance that can assist the student in launching his or her own legal career. **This kind of mentoring can have tremendous educational value to the student, transcending even the value of the practical experience the student gains through the externship.**
- c) **Evaluation:** The Extern Site Supervisor should provide the student with constructive, detailed evaluations of his or her performance. During the course of the semester, the Site Supervisor will complete a Site Supervisor Mid-Term Evaluation of the Extern and a Final Evaluation of the Extern. The Site Supervisor should communicate, either verbally or in writing, with the student's Faculty Supervisor at the end of the semester, to discuss the Site Supervisor's perceptions of both the student extern's work and the externship program generally. Extern Site Supervisors are invited to call the UNC Externship Program Faculty Supervisors, Professor Maria Savasta-Kennedy at 919- 843-9805 or Professor Janine Zanin at 919-962-4068, with any questions or comments.
- 6) **Site supervisors acknowledge** that this is an educational experience primarily for the benefit of the extern; that the extern does not displace or substitute for any employees, and that other than reimbursement for incidental expenses, externs may not be compensated for their work.
- 7) **Equal Employment Policy:** The UNC School of Law is committed to providing its students and graduates with equal opportunity to obtain employment, including externships, without discrimination on the basis of an individual's race, color, gender, national origin, age, religion, creed, disability, veteran's status, sexual orientation, gender identity or gender expression (hereinafter his/her "protected status"). Participating sites agree to comply with this anti-discrimination policy.

I have read and agree to abide by the Responsibilities of a Site Supervisor in the UNC School of Law Externship Program.

Name:

Signature:

Date:

**Thank you for participating in the
University of North Carolina School of Law
Externship Program**

CHAPTER 3 – RESOURCES FOR SITE SUPERVISORS

We recognize and appreciate all of the effort that you put into providing a quality educational experience for our students. In this chapter, we have assembled a set of tools and techniques that many supervisors have found helpful when working with law students.

- 3.1. Checklist to Prepare for Extern's Arrival
- 3.2. Assignments
- 3.3. Feedback
 - 3.3.1. Performing Effective Critiques
 - 3.3.2. A Guide to Evaluating Your Extern's Work
 - 3.3.3. Tips for Critiquing Student Writing
 - 3.3.4. Six-Step Model Approach in Providing Useful & Effective Feedback

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Checklist to Prepare for Extern's Arrival

- If needed, arrange for required security clearance and background checks.

- Determine what desk, telephone, and computer the extern will use.

- Gather office keys, restroom keys, copier codes, computer passwords, and office manuals that the extern might need.

- Determine for whom the extern will be completing assignments. If the extern has more than one supervisor, designate one who will provide oversight, help prioritize assignments, and serve as the point of contact with the school.

- Determine which support staff the extern can rely upon if needed.

- Request an office e-mail account, if appropriate.

- Inform office staff of extern's start date and work schedule and solicit potential assignments.

- Prepare a first assignment and gather the files, samples, and other materials the extern will need to get started. Externs are anxious to provide meaningful assistance from day one!

- Plan ahead for the extern to shadow supervisors at upcoming hearings, meetings, or conferences.

3.2 ASSIGNMENTS

A key to a successful externship, whether in judicial chambers or in a more typical law office, is the ability of a supervising attorney or clerk to give assignments to the extern effectively. When any project is assigned, it is important to know exactly what you expect from the student and communicate all aspects of your expectations to him or her. We recommend that the Site Supervisor serve as a "clearinghouse" through which all assignments must pass. The Site Supervisor should gather potential assignments from other attorneys and review the proposed work before it is assigned. In this way, the placement can ensure that the assigning attorney has provided an adequate description of the work required and has equipped the student with enough background information to get the work done. In addition, if one person takes responsibility for all extern assignments, she can make sure that no one student has too much or too little work and that no student gets bogged down with an assignment that is too burdensome or has only marginal educational value. At some placements, attorneys who wish to assign work to an extern use a standard "Request for Extern Help" form in which they describe the assignment so the proposed task can be reviewed and approved before it is passed along to a student extern.

Below is a checklist you may find helpful to ensure less confusion and more productivity for both you and the extern.

1. Have you explained each assignment with the relative inexperience of the student in mind?

Have you discussed the basic objectives of the assignment or project with the student? Does the student know how this particular assignment fits into the overall case file and what the assignment will help you or the judge accomplish or resolve? Effective supervisors take the time to explain:

- a. When drafts of the assignment are due, as well as when the final product is due.
- b. How much time you expect the student to spend on the assignment, including time for research and drafting (keeping in mind that students are often inexperienced and require extra time for thorough research). How many issues do you expect the student to address? How technically perfect do you want the letter/memo/brief to be in terms of case cites, for example? Do you want a rough draft or a more polished draft? How often should the student check in with you for a progress meeting? Is your schedule communicated to the student, and the student's schedule communicated to you, so that progress meetings are accomplished as planned?
- c. Is the student aware of the format you require or expect? Have you provided the student with an example of the format of the memo, brief or letter to assist the student in understanding your expectations?
- d. Who should the student ask for assistance if you are unavailable?
- e. Have you provided the student with some guidance in terms of starting points for legal research to help focus the issue?
- f. Have you asked the student if he/she has questions (again, remembering that some students may be unfamiliar with the substantive area of law you are asking them to address)?

2. Have you followed up regularly with your students as assignments progress?

As students begin working on assignments, they often need additional and periodic help, assignment clarification, reassurance, or relief. Redefinition of the task is common as the student gathers information and gains a more precise understanding of the assignment. Since interactions during this phase are frequently marked by informality and brevity, the importance of these exchanges can be easily overlooked. Have you been diligent in keeping those scheduled progress meetings?

3. Have you provided students with feedback on their work?

As the assignment progresses, and again at the completion of it, you should solicit student impressions about performance and convey your impressions about the performance on the assignment. Without periodic feedback, neither you nor the student can effectively evaluate his or her performance and make any necessary changes to result in a final product which closely resembles your goals for the assignment and provides your student with a sense of accomplishment. See Section 3.3 for tips on giving your extern constructive feedback.

3.3 FEEDBACK

We cannot overstate the importance of giving feedback to externs. Meaningful feedback is an essential component of the educational experience. One of our main goals as faculty supervisors is to encourage students to become reflective practitioners. You can assist us in this endeavor by encouraging students to self-evaluate as part of the feedback process. We recognize that giving and receiving feedback can be uncomfortable, so we have put together the following resources with examples of effective methods for communicating meaningful feedback:

3.3.1 Performing Effective Critiques

3.3.2 A Guide to Evaluating Your Extern's Work

3.3.3 Tips for Critiquing Student Writing

3.3.4 A Six-Step Model Approach in Providing Useful and Effective Feedback

Performing Effective Critiques

Tips for Site Supervisors

- *Be prepared to critique.* Anticipate what problems may arise. Think about how you would perform the task. Take a minute or two to organize your critique before delivering it.
- *Be selective.* Select one or two points on which to critique and fully develop these points.
- *Start with a positive comment.* People tend to be more open to constructive criticism if they hear it after being reassured of their “worth”. There is always something that merits praise.
- *Be specific.* Relate your critique to specific events or issues.
- *Be constructive.* Don’t just criticize, but offer alternatives of what the student could have done differently. Focus your critique on an area that you think the student will be able to improve.
- *Be succinct.* Get to the point of the critique quickly.
- *Be honest.* Tell it like it is, but be supportive.
- *Take responsibility for your critique.* Present the feedback in the first person (“I think the better practice is...”). Avoid presenting points of the feedback as universal principles unless, of course, they are (i.e., “Never address the court as ‘Hey, dude!’”).
- *Critique the performance, not the person.* Do not be judgmental or sarcastic. Tell the student what you think of the product and the effect it had on you. Don’t just label it as “good” or “bad”.
- *Make the student a partner in the critique.* Ask questions. “What were you trying to achieve?” or “What alternative approaches might you have tried?”
- *Teach by example.* People learn as much or more from how we say things as from what we say. Use eye contact. Listen intently. Put emphasis in your voice. Be adaptable. Speak clearly.

MEMORANDUM

TO: OUR SITE SUPERVISORS

FROM: PROFESSOR MARIA SAVASTA-KENNEDY

RE: A GUIDE TO EVALUATING YOUR EXTERNS' WRITTEN WORK

Several of you have mentioned that it would prove useful to have additional guidance in evaluating your externs' research and writing efforts. I have adapted the following "key" from our First Year Research and Writing Program to help define various levels and particular attributes of your externs' written products. The key is based on the traditional "A - D" grading system, which basically equates to the current "4-1" evaluation system used in our Midterm and Final Evaluations. For our purposes the key is useful as a lexicon of specific terms and phrases that you might use in your written and oral evaluations of your students' particular written products. Please let me know if you find this helpful - your comments and suggestions are greatly appreciated.

An "A" (or "4" for "Excellent") means that the student's written work:

- (a) is clear, easy to read, and powerful;
- (b) is based on sound logic and persuasive reasoning;
- (c) is based on solid, well-applied research;
- (d) helps the reader and resolve the legal issues in the case;
- (e) uses case law effectively to illustrate legal rules in a meaningful way;
- (f) demonstrates an innovative or creative approach;
- (g) follows acceptable format;
- (h) has few if any conspicuous Bluebook errors and uses "Bluebook language" to communicate substantive legal issues efficiently;
- (i) is virtually free of errors in grammar, spelling, syntax, and typing.

In sum, an "4" means that you are confident in relying on the student's work with little or no revision.

A “B” (or “3” for “Good”) means the student’s written work :

- (a) is similar to, but lacks the power or polish of an “A” assignment;
- (b) is complete, but may also be overly wordy;
- (c) is generally well-written, logical and persuasive;
- (d) contains only one or two Bluebook errors, if any, but may not use "Bluebook language" as effectively as possible to convey substantive information about the law;
- (e) contains few if any errors in grammar, spelling, syntax, and typing.

In sum, a “3” means that you would feel confident in using the student’s work product with some revisions and might seek some verification of the student’s position.

A “C” (or “2” for “Satisfactory”) means that the student’s written work:

- (a) is generally well-organized and addresses all major points, but may require the reader to reread text before fully grasping the author's point;
- (b) does not make full use of the case law to illustrate applicable rules of law;
- (c) may contain some errors in grammar, spelling, syntax, or typing;
- (d) may contain conspicuous Bluebook errors.

In sum, a “2” means that the student is on the right track, but the you would feel uneasy about relying unguardedly on the student’s legal research and analysis.

A “D” (or “1” for “Unsatisfactory”) means that the student’s written work:

- (a) fails to fully explain and evaluate the major legal issues;
- (b) contains illogical, implausible, or irrational analysis;
- (c) conspicuously fails to follow required format;
- (d) contains conspicuous errors in grammar, spelling, or typing;
- (e) demonstrates little effort to apply Bluebook format.

In sum, a “1” assignment is not acceptable to you. It may provide you with a few cases or ideas from which to begin, but would be undependable standing alone.

**UNC School of Law
Externship Program**

TIPS FOR CRITIQUING STUDENT WRITING¹

Site Supervisors are sometimes reluctant to provide feedback to student externs on legal writing. It is a time consuming task. It may be uncomfortable for the site supervisor, who may fear hurting the student's feelings. Site supervisors also may be unsure how best to approach the critique. Yet receiving legal writing critique can be one of the most beneficial aspects of the student's externship experience. The following suggestions are used by many legal writing teachers and may help keep the critique process positive, efficient, and effective.

1. ***Give an overall assessment of the work before discussing details:***

Students will understand specific comments better if they see the overall picture. Before commenting on individual sentences, first give an overall assessment of the work, state what areas were done well, and what areas you will focus on in the critique. For example, "Your organization is sound, but I want you to work on making your analysis more concise."

2. ***Mix positive comments with constructive criticism:***

Most people, in any situation, will have a difficult time staying focused on improving if they receive only negative feedback. Providing positive comments in and of itself is an effective learning tool because novices need to hear what they have done well. Try to begin your critique with a positive comment and then mix positive comments with constructive criticism (see #3).

3. ***Use good writing samples to illustrate points, including the student's own work:***

It often is helpful for the novice to see samples or models of prior good work by you or other attorneys so that they understand what is expected. In addition, when experienced attorneys rework student writing, it is helpful for them to explain to students why changes were made and to give them a copy of the final product. Finally, if a student's work needs improving in one section, pointing to another part of the writing where it was done well not only illustrates the point but helps instill confidence that the student is capable of doing better work in that area.

4. ***Comment of specifics:***

Provide constructive criticism in many areas including development of analysis, overall organization, paragraph organization, sentence structure, grammar, and conciseness. Whatever the area, it is helpful to provide specifics on what needs to be improved, rather than general comments. For example, rather than stating generally that analysis needs to be improved, show how the student could strengthen the analysis by comparing the facts of this case with a prior case. Don't assume a student will understand how to improve without specific guidance.

¹ Based on the research of Bernadette Feeley, Suffolk University School of Law

5. ***Don't fix everything:***

Editing and reworking the student's entire writing will be time consuming, may overwhelm the student, and does not provide the student the opportunity for self-improvement. Keep in mind that our goal is not only to fix a particular assignment, but to help the novice develop as a self-editor. A more efficient and effective method is to edit one portion of the paper, explain why the changes were necessary, create priorities for redrafting, and then allow the student to redraft.

6. ***Develop priorities for redrafting:***

If a student's work needs improvement in many areas, it might be helpful for the student to do several redrafts. Set but limit priorities for the first redraft. For example, priorities for the first redraft can be improving overall organization and/or developing research and analysis. The second redraft can focus on other aspects of the writing.

7. ***Ask the student to evaluate his or her own performance:***

Before beginning their critique, you may ask your student extern to evaluate their own research/writing process and their final product. This will encourage students to reflect on their own learning process and develop a theory for improved performance. It also may produce an acknowledgement that a certain part of the writing needs improvement.

8. ***Remember a little experience can make a big difference:***

It helps to remind ourselves that, for the novice, sometimes even the most basic concepts need to be explained. There can be a wide gap of knowledge between law students and attorneys who have been practicing for even a short time. Keeping this in mind helps maintain an effective mentoring relationship.

9. ***Provide guidance before and during the assignment:***

One key to moving the student's work to a higher level is providing guidance on the assignment before and during the writing process. When assigning the project, it is helpful to explain the context of the assignment as it fits into the overall case, discuss research strategy tips and any specific reference materials in your field, and the goals of the assignment. Once the project begins, the student should be encouraged to ask questions as they arise, and meet with you before they begin writing. This will assist the student in getting it right the first time and, ultimately, will save time for the student and the site supervisor.

3.3.4 A SIX-STEP MODEL APPROACH IN PROVIDING USEFUL AND EFFECTIVE FEEDBACK

Beryl Blaustone, Professor of Law, CUNY School of Law, and also the Director of the Mediation Clinic at Main Street Legal Services, Inc., developed a six step model to assist field or clinical supervisors in giving students constructive feedback.¹ A goal of her model is to begin teaching law students to self-critique their own work and to begin to develop critical self-awareness in performance.

Step One: The Student Identifies Strengths of the Performance: The student should identify those aspects of the work that he or she feels were done well, including an identification of what the performance accomplished.

Step Two: The Supervisor Responds Solely to Those Items Raised by The Student: Giving only positive feedback, the supervisor at this stage confines remarks to those items raised by the student.

Step Three: The Supervisor Identifies Other Strengths in the Performance: The supervisor now adds additional points that were done well. This wide-open stage explores all facets of the performance that were accomplished satisfactorily or that show a potential for success, with specific illustrations of why these aspects were successfully executed.

Step Four: The Student Identifies Difficulties and/or Changes to be Made: The student now takes the initiative in identifying areas in need of improvement, coming forward with specific comments.

Step Five: The Supervisor Responds to the Identified Difficulties: Confining remarks to areas identified by the student for improvement, the supervisor comments on how the issues could be handled differently next time.

Step Six: The Supervisor Indicates Additional Difficulties: This final stage involves another wide-open exploration of all facets of the performance. The discussion focuses on aspects that were not satisfactorily accomplished, again with specific illustrations and concrete analysis.

¹ Beryl Blaustone, Teaching Law Students to Self-Critique and to Develop Critical Clinical Self-Awareness in Performance, 13 CLIN.L.REV. 601 (2006).

CHAPTER 4 – RESPONSIBILITIES OF THE EXTERN

Externship Placement Acceptance Form: All students participating in the Externship Program must review and sign the Externship Acceptance Form, which spells out their duties and responsibilities in performing their externship work and in satisfying their academic requirements. The agreement covers the student's time and performance commitment, confidentiality concerns, and safeguards concerning any early termination of the externship.

University of North Carolina School of Law Externship Placement Acceptance Agreement 3 Credit Externship Program

I, _____, agree to provide approximately
(Name)
10 to 11 hours of externship legal work per week, totaling a minimum of 140 hours, for
_____ during _____.
(Name of Placement Organization) (Semester & Year)

I also agree to maintain a journal tracking my externship experience and attend periodic externship group and individual meetings. In exchange for fulfilling these requirements, I will receive three hours of ungraded academic credit. Before the actual externship begins, I understand that it is my responsibility to coordinate with the site supervisor to establish the day(s) I will extern during the semester, as well as any site requirements such as certification, background checks, security checks, etc., which must be completed before I arrive. I understand that participation in the Externship Program requires a serious commitment and that I will be expected to behave responsibly and professionally in performing all of my externship obligations. I understand that, once I have accepted a placement, I have a binding commitment to the site supervisor, and I may withdraw only for extenuating circumstances and only after consulting with an externship faculty supervisor.

I have read the attached document entitled Responsibilities of Externs, and I understand and agree to comply with its requirements.

I also understand that participating in the Externship Program in no way relieves me of other academic responsibilities. I agree not to skip other classes to meet my externship responsibility, unless absolutely necessary. I understand that the UNC Liability Insurance must be paid to the Externship Office before I begin work at the site.

I further understand that all information derived from or arising from this externship placement is to be deemed confidential and subject to the confidentiality requirements of the placement site and those imposed by the applicable rules of professional responsibility. An externship placement is not a guarantee of future permanent placement with a site, nor is it an interview for a job position.

Finally, I understand that any breach of this Acceptance Agreement constitutes an honor code violation.

Signature of student:

Date:

Signature of faculty member:

Date:

Student information:

Telephone:

Email:

UNC SCHOOL OF LAW EXTERNSHIP PROGRAM RESPONSIBILITIES OF EXTERNS

Responsibilities for Externs Participating in the 3 Credit Externship Program

1. All externs are required to perform a total of 140 hours of work over the course of the semester for the externship placement, with an average commitment of 10 to 11 hours per week at the placement site. Failure to do so will result in a student's not receiving credit for the externship. Externs may not finish work at their site earlier than one week prior to the end of the semester without faculty approval.
2. All externs are required to participate in the classroom component of the externship program, and to attend individual conferences with the faculty supervisor. The time required by these meetings is in addition to the hours required by Paragraph 1 above.
3. All externs will honor the confidentiality requirements of the placement site and those imposed by the applicable rules of professional responsibility.
4. Externs shall carry out all externship assignments to the best of their abilities.
5. Externs may not receive compensation other than reimbursement for incidental expenses.
6. All externs are required to prepare and submit reflective journal entries on established due dates as outlined in the syllabus. These journal entries may ask the extern to respond to specific questions posed by their UNC Externship Faculty Supervisor. Externs are also required to keep a timesheet documenting their time on site and to submit their updated timesheet each week.
7. All externs must complete all required forms at the end of the semester.
8. Some externships have specific prerequisite courses, or other requirements, as detailed in the placement binders or by the Externship staff. For example, externs at a DA or PD are expected to have taken or be taking Trial Advocacy. Failure to fulfill placement prerequisites and requirements may result in loss of placement.
9. Once applications have been sent to the sites, absent an approved personal emergency, externs may not withdraw from the Program. Externs who do so will be prohibited from participating in the Externship Program during the remainder of their law school career. Any student who violates this rule may also be prohibited from participating in any future Clinical Programs.
10. No student may withdraw from an ongoing externship absent extenuating circumstances and only after consulting with an externship faculty supervisor. Adequate safeguards for the handling of cases and/or client problems assigned to the student must be arranged with the UNC Externship Faculty Supervisor and the supervising attorney at the placement site prior to any withdrawal.
11. Failure to comply with these requirements may result in a grade of 'Fail' for the course.

University of North Carolina School of Law Externship Placement Acceptance Agreement 5 Credit Summer Externship Program

I, _____, agree to provide approximately
(Name)
32 hours of externship legal work per week, totaling a minimum of 224 hours, for
_____ during the _____ Summer Session.
(Name of Placement Organization) (Year)

I also agree to maintain a journal tracking my externship experience and attend periodic externship group and individual meetings. In exchange for fulfilling these requirements, I will receive five hours of ungraded academic credit. Before the actual externship begins, I understand that it is my responsibility to coordinate with the site supervisor to establish the day(s) I will extern during the semester, as well as any site requirements such as certification, background checks, security checks, etc., which must be completed before I arrive. I understand that participation in the Externship Program requires a serious commitment and that I will be expected to behave responsibly and professionally in performing all of my externship obligations. I understand that, once I have accepted a placement, I have a binding commitment to the site supervisor, and I may withdraw only for extenuating circumstances and only after consulting with an externship faculty supervisor.

I have read the attached document entitled Responsibilities of Externs, and I understand and agree to comply with its requirements.

I also understand that participating in the Externship Program in no way relieves me of other academic responsibilities. I agree not to skip other classes to meet my externship responsibility, unless absolutely necessary. I understand that the UNC Liability Insurance must be paid to the Externship Office before I begin work at the site.

I further understand that all information derived from or arising from this externship placement is to be deemed confidential and subject to the confidentiality requirements of the placement site and those imposed by the applicable rules of professional responsibility. An externship placement is not a guarantee of future permanent placement with a site, nor is it an interview for a job position.

Finally, I understand that any breach of this Acceptance Agreement constitutes an honor code violation.

Signature of student:

Date:

Signature of faculty member:

Date:

Student information:

Telephone:

Email:

UNC SCHOOL OF LAW EXTERNSHIP PROGRAM RESPONSIBILITIES OF EXTERNS

Responsibilities for Externs Participating in the 5 Credit Summer Externship Program

1. All externs are required to perform a total of 224 hours of work over the course of the semester for the externship placement, with an average commitment of 32 hours per week at the placement site. Failure to do so will result in a student's not receiving credit for the externship.
2. All externs are required to participate in the classroom component of the externship program, and to attend individual conferences with the faculty supervisor. The time required by these meetings is in addition to the hours required by Paragraph 1 above.
3. All externs will honor the confidentiality requirements of the placement site and those imposed by the applicable rules of professional responsibility.
4. Externs shall carry out all externship assignments to the best of their abilities.
5. Externs may not receive compensation other than reimbursement for incidental expenses.
6. All externs are required to prepare and submit reflective journal entries on established due dates as outlined in the syllabus. These journal entries may ask the extern to respond to specific questions posed by their UNC Externship Faculty Supervisor. Externs are also required to keep a timesheet documenting their time on site and to submit their updated timesheet each week.
7. All externs must complete all required forms at the end of the semester.
8. Some externships have specific prerequisite courses, or other requirements, as detailed in the placement binders or by the Externship staff. Failure to fulfill placement prerequisites and requirements may result in loss of placement.
9. Once a student has interviewed with a site, absent an approved personal emergency, externs may not withdraw from the Program. Externs who do so will be prohibited from participating in the Externship Program during the remainder of their law school career. Any student who violates this rule may also be prohibited from participating in any future Clinical Programs.
10. No student may withdraw from an ongoing externship absent extenuating circumstances and only after consulting with an externship faculty supervisor. Adequate safeguards for the handling of cases and/or client problems assigned to the student must be arranged with the UNC Externship Faculty Supervisor and the supervising attorney at the placement site prior to any withdrawal.
11. Failure to comply with these requirements may result in a grade of 'Fail' for the course.

CHAPTER 5: FUNDAMENTAL LAWYERING SKILLS & COMPETENCIES

We ask you, the site supervisor, to provide the student with a variety of assignments and opportunities that expose the student to the real life work of an attorney in your office. We recognize that in some instances it will take more time to train and supervise a student than it would to do the work yourself or for an employee to complete it. It is in these times that your role as an educational partner comes to the forefront. The chart below differentiates the job of a law clerk versus the experience of an extern:

	Law Clerk	Intern
Relationship with attorney	Employer/employee	Mentor/student
Purpose	Produce	Learn
Tasks and work	Production	Deliberate
Expectations	Efficiency and speed	Understanding and learning
Exposure	Work assigned	Opportunity to engage in a variety of lawyering activities
Feedback	Not primary focus	Work reviewed and redone until correct
Compensation	Money & experience	Experience with supervision and academic credit

http://www.cwsl.edu/main/default.asp?nav=academic_programs.asp&body=academic_programs/clinical_internships.asp

To assist you in providing a well-rounded learning experience for your extern, we offer the following resources:

5.1 **Making the Transition from Student to Professional:** We have included a guide that draws from critical sources focusing on fundamental lawyering skills and values. We ask the students to use these excerpts as a guide when creating their externship learning goals and when evaluating their progress in meeting those goals. You may also find this useful as a lexicon when providing feedback and critique to your extern.

5.2 **Experience Checklist**

Making the Transition from Student to Professional:

Thinking About Your Learning Goals and Evaluating Your Progress

(Adapted from excerpts of the “MacCrate Report”¹, “Educating Lawyers”² and “Best Practices for Legal Education”³)

Lawyers, educators and scholars who have examined the goals of legal education and studied its outcomes agree that in order to make a successful transition from law school to the practice of law, students must develop their abilities to “think like a professional,” “perform like a professional,” and “conduct themselves as a professional.” Outlined below are key attributes and abilities identified in the studies as central to achieving each of these three goals.

As you think about your learning goals this semester, please reflect on the attributes and abilities listed here and consider how your externship might help you to shore up gaps in your skills in each of these areas.

I. “THINKING LIKE A PROFESSIONAL” (COGNITIVE ABILITIES / ANALYTICAL KNOWLEDGE)

Knowledge and understanding of the substantive law needed to perform legal work in your practice area

Knowledge and understanding of procedural rules

Knowledge and understanding of the rules of Professional Responsibility

Ability to solve new problems using your existing knowledge of substantive, procedural and ethical rules

Ability to recall and apply legal knowledge to a known factual scenario

II. “PERFORMING LIKE A PROFESSIONAL” (PRACTICAL SKILLS)

MacCrate Report’s Fundamental Lawyering Skills:

¹ ABA SEC. OF LEGAL EDUC. & ADMISSION TO THE BAR, REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP (1992).

² WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW (2007).

³ ROY STUCKEY ET AL., BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROAD MAP (2007)

Skill § 1:

In order to develop and evaluate strategies for solving a problem or accomplishing an objective, a lawyer should be familiar with the skills and concepts involved in:

- 1.1 Identifying and Diagnosing the Problem;
- 1.2 Generating Alternative Solutions and Strategies;
- 1.3 Developing a Plan of Action;
- 1.4 Implementing the Plan;
- 1.5 Keeping the Planning Process Open to New Information and New Ideas.

Skill § 2:

In order to analyze and apply legal rules and principles, a lawyer should be familiar with the skills and concepts involved in:

- 2.1 Identifying and Formulating Legal Issues;
- 2.2 Formulating Relevant Legal Theories;
- 2.3 Elaborating Legal Theory;
- 2.4 Evaluating Legal Theory;
- 2.5 Criticizing and Synthesizing Legal Argumentation.

Skill § 3:

In order to identify legal issues and to research them thoroughly and efficiently, a lawyer should have:

- 3.1 Knowledge of the Nature of Legal Rules and Institutions;
- 3.2 Knowledge of and Ability to Use the Most Fundamental Tools of Legal Research;
- 3.3 Understanding of the Process of Devising and Implementing a Coherent and Effective Research Design.

Skill § 4:

In order to plan, direct, and (where applicable) participate in factual investigation, a lawyer should be familiar with the skills and concepts involved in:

- 4.1 Determining the Need for Factual Investigation;
- 4.2 Planning a Factual Investigation;
- 4.3 Implementing the Investigative Strategy;

4.4 Memorializing and Organizing Information in an Accessible Form;

4.5 Deciding Whether to Conclude the Process of Fact-Gathering;

4.6 Evaluating the Information That Has Been Gathered.

Skill § 5:

In order to communicate effectively, whether orally or in writing, a lawyer should be familiar with the skills and concepts involved in:

5.1 Assessing the Perspective of the Recipient of the Communication;

5.2 Using Effective Methods of Communication.

Skill § 6:

In order to counsel clients about decisions or courses of action, a lawyer should be familiar with the skills and concepts involved in:

6.1 Establishing a Counseling Relationship That Respects the Nature and Bounds of a Lawyer's Role;

6.2 Gathering Information Relevant to the Decision to Be Made;

6.3 Analyzing the Decision to Be Made;

6.4 Counseling the Client about the Decision to Be Made;

6.5 Ascertaining and Implementing the Client's Decision.

Skill § 7:

In order to negotiate in either a dispute-resolution or transactional context, a lawyer should be familiar with the skills and concepts involved in:

7.1 Preparing for Negotiation;

7.2 Conducting a Negotiation Session;

7.3 Counseling the Client About the Terms Obtained From the Other Side in the Negotiation and Implementing the Client's Decision.

Skill § 8:

In order to employ-or to advise a client about-the options of litigation and alternative dispute resolution, a lawyer should understand the potential functions and consequences of these processes and should have a working knowledge of the fundamentals of:

8.1 Litigation at the Trial-Court Level;

8.2 Litigation at the Appellate Level;

8.3 Advocacy in Administrative and Executive Forums;

8.4 Proceedings in Other Dispute-Resolution Forums.

Skill § 9:

In order to practice effectively, a lawyer should be familiar with the skills and concepts required for efficient management, including:

9.1 Formulating Goals and Principles for Effective Practice Management;

9.2 Developing Systems and Procedures to Ensure that Time, Effort, and Resources Are Allocated Efficiently;

9.3 Developing Systems and Procedures to Ensure that Work is Performed and Completed at the Appropriate Time;

9.4 Developing Systems and Procedures for Effectively Working with Other People;

9.5 Developing Systems and Procedures for Efficiently Administering a Law Office.

Skill § 10:

In order to represent a client consistently with applicable ethical standards, a lawyer should be familiar with:

10.1 The Nature and Sources of Ethical Standards;

10.2 The Means by Which Ethical Standards are Enforced;

10.3 The Processes for Recognizing and Resolving Ethical Dilemmas.

III. “CONDUCTING YOURSELF AS A PROFESSIONAL” (MORALS / ETHICS / JUDGMENT / PROFESSIONAL IDENTITY)

How confident are you in your competency as an attorney?

How well do you relate to clients?

How well do you respond to ethical dilemmas?

How do your personal values inform your role as an attorney?

MacCrate Report’s Fundamental Values of the Profession

Value § 1:

As a member of a profession dedicated to the service of clients, a lawyer should be committed to the values of:

- 1.1 Attaining a Level of Competence in One's Own Field of Practice;
- 1.2 Maintaining a Level of Competence in One's Own Field of Practice;
- 1.3 Representing Clients in a Competent Manner.

Value § 2:

As a member of a profession that bears special responsibilities for the quality of justice, a lawyer should be committed to the values of:

- 2.1 Promoting Justice, Fairness, and Morality in One's Own Daily Practice;
- 2.2 Contributing to the Profession's Fulfillment of its Responsibility to Ensure that Adequate Legal Services Are Provided to Those Who Cannot Afford to Pay for Them;
- 2.3 Contributing to the Profession's Fulfillment of its Responsibility to Enhance the Capacity of Law and Legal Institutions to Do Justice.

Value § 3:

As a member of a self-governing profession, a lawyer should be committed to the values of:

- 3.1 Participating in Activities Designed to Improve the Profession;
- 3.2 Assisting in the Training and Preparation of New Lawyers;
- 3.3 Striving to Rid the Profession of Bias Based on Race, Religion, Ethnic Origin, Gender, Sexual Orientation, or Disability, and to Rectify the Effects of These Biases.

Value § 4:

As a member of a learned profession, a lawyer should be committed to the values of:

- 4.1 Seeking Out and Taking Advantage of Opportunities to Increase His or Her Knowledge and Improve His or Her Skills;
- 4.2 Selecting and Maintaining Employment That Will Allow the Lawyer to Develop As a Professional and to Pursue His or Her Professional and Personal Goals.

5.2 EXPERIENCE CHECKLIST

EXTERN POTENTIAL SITE EXPERIENCE CHECKLIST¹

LITIGATION

Meeting with clients

Initial interviews

Follow-up communications--phone & correspondence

Initial fact investigation (informal discovery, pre-litigation)

Fees and retainer discussion

Legal Research

Memo drafting

Case planning & strategizing

Legal Drafting (complaints, answers, motions)

Filing documents with court

Discovery interrogatories, requests for production of documents, etc.)

Depositions (prepare, observe, participate)

Trial preparation

Trial strategy--theory of case

Preparation of documents, organization of case material

Client/witness preparation

Pre-trial motions

Negotiation

Preparation, observation

Arbitration

Strategy--theory of case

Preparation of documents, organization of case material

Client/witness preparation

Mediation

Preparation, observation

Settlement Conference

Preparation, observation

Trial Observation and Participation

Voir dire, opening, direct, cross, closing

Preparation of court orders

APPELLATE

Meetings with clients

Planning and strategizing

Formulation of arguments

Research

Drafting

Observation

Oral argument

TRANSACTIONAL

- Meetings with clients
- Initial interviews
- Follow-up communications
- Information gathering
- Research
- Document drafting
- Meetings and other communications with other parties/counsel

IN-HOUSE COUNSEL

- Litigation Management
- Compliance—research, investigation, reports
- Governmental Filings
- Advising clients
- Meeting with client
- Fact gathering
- Legal research
- Memo or report drafting
- Meeting attendance
- Board meetings
- Staff meetings
- Other

JUDICIAL

- Court observation—trials, motions, appellate arguments
- Meeting with judge
- Research
- Drafting
- Settlement conference
- In-chamber meetings

GENERAL

- Staff meetings
- Bar meetings and conferences
- Exploration of ethical issues
- Office social gatherings
- Conflict of interest management
- Billing (how it is done at the office)

¹http://www.cwsl.edu/main/default.asp?nav=academic_programs.asp&body=academic_programs/clinical_internships.asp

APPENDIX A: FORMS

It is our goal to make your job as the site supervisor a rewarding experience. To that end, we have designed several tools to facilitate your supervision of and feedback to your student extern.

- Externship Placement Learning Goals: In order to help our externs obtain the greatest educational benefit from their externship experience, we ask them to articulate at the beginning of each semester their learning goals for their externship. Your extern will share these goals with you; work with you to develop a plan for meeting these goals; and then submit a copy of the completed Learning Goals Form to our office.
- Site Supervisor Mid-Term Evaluation of Student Extern: We have prepared a mid-semester evaluation form for your analysis and critique of the students' performance, in order to facilitate your supervision and feedback of the students' work. We ask that you complete the form by the seventh week of the semester, and meet with your student extern to discuss your review in person. Our office will send a reminder so you are aware of the due dates. **Please send the completed midterm evaluation to the externship office as soon as possible after meeting with your extern.**
- Site Supervisor Final Evaluation of Student Extern: We hope to leave the students with as much constructive commentary as possible as they head off to take the bar exam and begin their legal careers. Please complete this final evaluation of your student extern by the end of the semester, and provide the student with a copy at your exit interview with her/him. **Please send the completed final evaluation to the externship office as soon as possible after meeting with your extern.**
- Site Feedback Form: The Site Feedback Form is a mechanism for our students to provide you with constructive feedback on their externship experience. We believe that everyone benefits from both positive and constructive feedback, and we share this evaluation with you in the spirit of cooperative learning and support of your work with our students. At the completion of the extern's semester, your student extern will complete this evaluation and share a copy with you.

University of North Carolina School of Law
Externship Program

EXTERNSHIP PLACEMENT LEARNING GOALS AND WORK PLAN

EXTERN NAME

SITE SUPERVISOR NAME

SITE

SEMESTER/YEAR

This document should serve as a blue print for the externs' goals, work schedule and weekly site supervisor meetings during the course of this externship. During the first week of the semester, students are required to identify and discuss with their site supervisor their particular learning goals for their externship. At this initial meeting, the extern and site supervisor should accomplish the following:

- Discuss the extern's goals and develop a plan for meeting those goals over the course of the semester;
- Identify any upcoming court dates, meetings, etc., which the extern might attend during the semester;
- Identify dates when the site supervisor will be out of the office or the office will be closed, as well as the extern's small group meeting date should it fall on a day the extern is normally on site;
- Set up a schedule for weekly progress meetings with the site supervisor;
- Calendar dates for the midterm and final evaluation meetings.

LEARNING GOALS – Please list goals and include specific experiences that you think would help in attaining each goal:

EXTERN’S PLANNED WORK SCHEDULE (DAYS/TIMES)

(Please note any holidays or small group meetings that may affect your hours on site)

IMPORTANT DATES/EVENTS

WEEKLY PROGRESS MEETINGS

MIDTERM EVALUATION/MEETING

FINAL EVALUATION/MEETING

Signature of Extern

Date

Signature of Site Supervisor

Date

**University of North Carolina School of Law
EXTERNSHIP PROGRAM**

SITE SUPERVISOR MID-TERM EVALUATION OF EXTERN

Student:

Placement Site:

Semester Worked:

Supervisor:

1. Is the student adhering to work plans and completing projects in a timely fashion?

2. Is the student meeting weekly hour requirements?

3. How well is the student able to take direction and work under supervision?

4. How is the student's assistance being used this far? For example: research; drafting bench memos; drafting orders; observing court proceedings; etc.

5. Is the student meeting the Learning Goals identified at the beginning of the semester?

6. How often do you meet with the student? How often do you provide feedback?

7. What kind of training have you/are you providing the student?

8. What opportunities for observation of the law and the lawyering process are you affording the student?

For Questions 9 – 16, please use the following rating system:

Please evaluate your student extern in each of the following areas on a scale of 1 to 4 (4=Excellent, 3= Good, 2=Satisfactory, 1= Unsatisfactory, NA=Not Applicable). In addition, please make comments where appropriate.

9. *Research Ability*

- does thorough, careful and accurate work
- produces practical and useful results

Comments:

10. *Legal Analysis and Reasoning*

- integrates legal theory with facts in a coherent and logical progression
- is able to identify relevant issues and distinguish a logical hierarchy among them
- pursues analogous extensions in areas where the law is unclear

Comments:

11. *Writing Skills*

- writes clearly, precisely and persuasively
- drafts well-organized written assignments
- cites accurately and properly

Comments:

12. *Clarity of Oral Expression*

- able to discuss issues clearly
- communicates effectively in various advocacy proceedings

Comments:

13. *Judgment*

- is mature and exercises good common sense
- knows how and when to ask questions or seek additional consultation
- sets appropriate priorities in handling assigned work

Comments:

14. *Responsibility*

- takes initiative
- meets deadlines and manages time well
- accepts criticism and constructively modifies work habits

Comments:

15. *Client Relations [if applicable]*

- develops effective working relationships with clients
- is sensitive and responsive to client needs
- knows how to be diplomatically persistent

Comments:

16. *"Plus" Traits*

- is cooperative and accommodating to the needs of the office
- remains unruffled in emergency situations
- is courteous and respectful to all staff
- appears self-confident and enthusiastic
- maintains a professional demeanor

Comments:

17. If you have indicated that the student's work needs improvement, please describe more specifically what the student can do to improve.

18. Please identify any other issues that the student, or the Externship Faculty Supervisors, should address this semester.

Thank you! We appreciate your time and efforts to make this a worthwhile program!

SUPERVISOR NAME & TITLE	SIGNATURE	DATE
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STUDENT NAME	SIGNATURE	DATE
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University of North Carolina School of Law
EXTERNSHIP PROGRAM

SITE SUPERVISOR FINAL EVALUATION OF STUDENT EXTERN

STUDENT:

PLACEMENT SITE:

SEMESTER WORKED:

SUPERVISOR:

Please evaluate your student extern in each of the following areas on a scale of 1 to 4 (4=Excellent, 3= Good, 2=Satisfactory, 1= Unsatisfactory, NA=Not Applicable). In addition, please make comments where appropriate.

1. Research Ability

- does thorough, careful and accurate work
- produces practical and useful results

Comments:

2. Legal Analysis and Reasoning

- integrates legal theory with facts in a coherent and logical progression
- is able to identify relevant issues and distinguish a logical hierarchy among them
- pursues analogous extensions in areas where the law is unclear

Comments:

3. Writing Skills

- writes clearly, precisely and persuasively
- drafts well-organized written assignments
- cites accurately and properly

Comments:

4. Fact-based Legal Work

- reviewing testimony
- interviewing skills
- other: _____

Comments:

5. *Clarity of Oral Expression*

- able to discuss issues clearly
- communicates effectively in various advocacy proceedings

Comments:

6. *Judgment*

- is mature and exercises good common sense
- knows how and when to ask questions or seek additional consultation
- sets appropriate priorities in handling assigned work

Comments:

7. *Responsibility*

- takes initiative
- meets deadlines and manages time well
- accepts criticism and constructively modifies work habits

Comments:

8. *Client Relations [if applicable]*

- develops effective working relationships with clients
- is sensitive and responsive to client needs
- knows how to be diplomatically persistent

Comments:

9. *"Plus" Traits*

- is cooperative and accommodating to the needs of the office
- remains unruffled in emergency situations
- is courteous and respectful to all staff
- appears self-confident and enthusiastic
- maintains a professional demeanor

Comments:

10. General Effectiveness:

- Please rate the student's effectiveness overall.

11. Please comment on any changes in your opinion of the student's work over the course of the semester. Did the student's work improve during the semester?

12. Would you recommend this student for an entry level legal position in your field? Why or why not?

13. We would greatly appreciate any comments or suggestions you may have regarding the Externship Program.

Thank you! We appreciate your time and efforts to make this a worthwhile program!

SUPERVISOR NAME & TITLE	SIGNATURE	DATE
STUDENT NAME	SIGNATURE	DATE

University of North Carolina School of Law

EXTERNSHIP PROGRAM STUDENT FEEDBACK TO SITE SUPERVISOR

All forms available on Sakai

STUDENT:

PLACEMENT SITE:

SEMESTER /YEAR WORKED:

SUPERVISOR:

This student site evaluation is provided in the spirit of cooperative learning and reflects our belief that everyone benefits from both positive and constructive feedback, including our site supervisors. At the completion of your semester, please complete this evaluation and share a copy with your site supervisor. This formalized feedback mechanism is intended to assist us in our efforts to provide support and constructive feedback to our externship site supervisors.

1. Did you meet the Placement Learning Goals that you identified at the beginning of the semester? If not, why not? Did you gain benefits from your externship that were not identified in your Placement Learning Goals?

2. Please provide constructive feedback for your site supervisor concerning the quality and effectiveness of the mentoring and supervision you received this semester. For example, what kind of direction and feedback did you receive on your work?

3. What part of the externship did you like best and why?

4. What were the drawbacks, disadvantages, or weaknesses of the externship?

5. How can the externship at this site be improved for future externs (e.g., workload, supervision, physical environment)?

Site Supervisor (please sign and print)

Date

Extern (please sign and print)

Date

APPENDIX B: NORTH CAROLINA STUDENT PRACTICE RULES

Student Practice Rules:

Externship sites that provide direct client representation or practical courtroom experience must certify their student externs under the NC Bar Student Practice Rules. We have included the basic certification rules here, as well as a sample of the letter which you must send to the Bar in order to complete the certification.

NC State Bar

Rules and Regulations

SUBCHAPTER C

Rules Governing the Board of Law Examiners and the Training of Law Students

Section .0200 Rules Governing Practical Training of Law Students

.0201 Purpose

The following rules are adopted to encourage law schools to provide their students with supervised practical training of varying kinds during the period of their formal legal education and to enable law students to obtain supervised practical training while serving as legal interns for government agencies.

History Note: Statutory Authority G.S. 84-23

Readopted Effective December 8, 1994

Amended June 7, 2001; March 6, 2008

.0202 Definitions

The following definitions shall apply to the terms used in this section:

- (1) Eligible persons - Persons who are unable financially to pay for the legal services of an attorney, as determined by a standard established by a judge of the General Court of Justice, a legal services corporation, or a law school legal aid clinic providing representation. "Eligible persons" includes non-profit organizations serving low-income communities.
- (2) Government agencies - The federal or state government, any local government, or any agency, department, unit, or other entity of federal, state, or local government, specifically including a public defenders office or a district attorney's office.
- (3) Law school - An ABA accredited law school or a law school actively seeking accreditation from the ABA and licensed by the Board of Governors of the University of North Carolina. If ABA accreditation is not obtained by a law school so licensed within three years of the commencement of classes, legal interns

may not practice, pursuant to these rules, with any legal aid clinic of the law school.

(4) Legal aid clinic - A department, division, program, or course in a law school that operates under the supervision of an active member of the State Bar and renders legal services to eligible persons.

(5) Legal intern - A law student who is certified to provide supervised representation to clients under the provisions of the rules of this Subchapter.

(6) Legal services corporation - A nonprofit North Carolina corporation organized exclusively to provide representation to eligible persons.

(7) Supervising attorney - An active member of the North Carolina State Bar who satisfies the requirements of Rule .0205 of this Subchapter and who supervises one or more legal interns.

History Note: Statutory Authority G.S. 84-23

Readopted Effective December 8, 1994

Amended June 7, 2001; March 6, 2002; March 6, 2008

.0203 Eligibility

To engage in activities permitted by these rules, a law student must satisfy the following requirements:

(1) be enrolled in a law school approved by the Council of the North Carolina State Bar;

(2) have completed at least three semesters of the requirements for a professional degree in law (J.D. or its equivalent);

(3) be certified in writing by a representative of his or her law school, authorized by the dean of the law school to provide such certification, as being of good character with requisite legal ability and training to perform as a legal intern;

(4) be introduced to the court in which he or she is appearing by an attorney admitted to practice in that court;

(5) neither ask for nor receive any compensation or remuneration of any kind from any client for whom he or she renders services, but this shall not prevent an attorney, legal services corporation, law school, or government agency from

paying compensation to the law student or charging or collecting a fee for legal services performed by such law student;

(6) certify in writing that he or she has read and is familiar with the North Carolina Revised Rules of Professional Conduct and the opinions interpretive thereof.

History Note: Statutory Authority G.S. 84-23

Readopted Effective December 8, 1994

Amended June 7, 2001; March 6, 2008

.0204 Certification as Legal Intern

Upon receipt of the written materials required by Rule .0203(3) and (6) and Rule .0205(6), the North Carolina State Bar shall certify that the law student may serve as a legal intern. The certification shall be subject to the following limitations:

(a) Duration. The certification shall be effective for 18 months or until the announcement of the results of the first bar examination following the legal intern's graduation whichever is earlier. If the legal intern passes the bar examination, the certification shall remain in effect until the legal intern is sworn-in by a court and admitted to the bar.

(b) Withdrawal of Certification. The certification shall be withdrawn by the State Bar, without hearing or a showing of cause, upon receipt of

(1) notice from a representative of the legal intern's law school, authorized to act by the dean of the law school, that the legal intern has not graduated but is no longer enrolled;

(2) notice from a representative of the legal intern's law school, authorized to act by the dean of the law school, that the legal intern is no longer in good standing at the law school;

(3) notice from a supervising attorney that the supervising attorney is no longer supervising the legal intern and that no other qualified attorney has assumed the supervision of the legal intern; or

(4) notice from a judge before whom the legal intern has appeared that the certification should be withdrawn.

History Note: Statutory Authority G.S. 84-23

Readopted Effective December 8, 1994

Amended June 7, 2001

.0205 Supervision

(a) A supervising attorney shall

(1) be an active member of the North Carolina State Bar who has practiced law as a full-time occupation for at least two years;

(2) supervise no more than two legal interns concurrently, provided, however, there is no limit on the number of legal interns who may be supervised concurrently by an attorney who is a full-time member of a law school's faculty or staff whose primary responsibility is supervising legal interns in a legal aid clinic and, further provided, that an attorney who supervises legal interns through an externship or out-placement program of a law school legal aid clinic may supervise up to five legal interns;

(3) assume personal professional responsibility for any work undertaken by a legal intern while under his or her supervision;

(4) assist and counsel with a legal intern in the activities permitted by these rules and review such activities with the legal intern, all to the extent required for the proper practical training of the legal intern and the protection of the client;

(5) read, approve and personally sign any pleadings or other papers prepared by a legal intern prior to the filing thereof, and read and approve any documents prepared by a legal intern for execution by a client or third party prior to the execution thereof;

(6) prior to commencing the supervision, assume responsibility for supervising a legal intern by filing with the North Carolina State Bar a signed notice setting forth the period during which supervising attorney expects to supervise the activities of an identified legal intern, and that the supervising attorney will adequately supervise the legal intern in accordance with these rules; and

(7) notify the North Carolina State Bar in writing promptly whenever the supervision of a legal intern ceases.

History Note: Statutory Authority G.S. 84-23

Readopted Effective December 8, 1994

Amended June 7, 2001; March 6, 2002; March 6, 2008

SUBCHAPTER C

.0206 Activities

(a) A properly certified legal intern may engage in the activities provided in this rule under the supervision of an attorney qualified and acting in accordance with the provisions of Rule .0205 of this subchapter.

(b) Without the presence of the supervising attorney, a legal intern may give advice to a client, including a government agency, on legal matters provided that the legal intern gives a clear prior explanation that the legal intern is not an attorney and the supervising attorney has given the legal intern permission to render legal advice in the subject area involved.

(c) A legal intern may represent an eligible person, the state in criminal prosecutions, a criminal defendant who is represented by the public defender, or a government agency in any proceeding before a federal, state, or local tribunal, including an administrative agency, if prior consent is obtained from the tribunal or agency upon application of the supervising attorney. Each appearance before the tribunal or agency shall be subject to any limitations imposed by the tribunal or agency including, but not limited to, the requirement that the supervising attorney physically accompany the legal intern.

(d) In all cases under this rule in which a legal intern makes an appearance before a tribunal or agency on behalf of a client who is an individual, the legal intern shall have the written consent in advance of the client. The client shall be given a clear explanation, prior to the giving of his or her consent, that the legal intern is not an attorney. This consent shall be filed with the tribunal and made a part of the record in the case. In all cases in which a legal intern makes an appearance before a tribunal or agency on behalf a government agency, the consent of the government agency shall be presumed if the legal intern is participating in an internship program of the government agency. A statement advising the court of the legal intern's participation in an internship program of the government agency shall be filed with the tribunal and made a part of the record in the case.

(e) In all cases under this rule in which a legal intern is permitted to make an appearance before a tribunal or agency, subject to any limitations imposed by

the tribunal, the legal intern may engage in all activities appropriate to the representation of the client, including, without limitation, selection of and argument to the jury, examination and cross-examination of witnesses, motions and arguments thereon, and giving notice of appeal.

History Note: Statutory Authority G.S. 84-23

Readopted Effective December 8, 1994

Amended June 7, 2001; March 6, 2002; March 6, 2008

.0207 Use of Student's Name

(a) A legal intern's name may properly

(1) be printed or typed on briefs, pleadings, and other similar documents on which the legal intern has worked with or under the direction of the supervising attorney, provided the legal intern is clearly identified as a legal intern certified under these rules, and provided further that the legal intern shall not sign his or her name to such briefs, pleadings, or other similar documents;

(2) be signed to letters written on the letterhead of the supervising attorney, legal aid clinic, or government agency, provided there appears below the legal intern's signature a clear identification that the legal intern is certified under these rules. An appropriate designation is "Certified Legal Intern under the Supervision of [supervising attorney]."

(b) A student's name may not appear

(1) on the letterhead of a supervising attorney, legal aid clinic, or government agency;

(2) on a business card bearing the name of a supervising attorney, legal aid clinic, or government agency; or

(3) on a business card identifying the legal intern as certified under these rules.

History Note: Statutory Authority G.S. 84-23

Readopted Effective December 8, 1994

Amended June 7, 2001; March 6, 2008

ABA Standard 305 - Study outside of the Classroom

(a) A law school may grant credit toward the J.D. degree for courses or a program that permits or requires student participation in studies or activities away from or outside the law school or in a format that does not involve attendance at regularly scheduled class sessions.

(b) Credit granted shall be commensurate with the time and effort required and the anticipated quality of the educational experience of the student.

(c) Each student's academic achievement shall be evaluated by a faculty member. For purposes of Standard 305 and its Interpretations, the term "faculty member" means a member of the full-time or part-time faculty. When appropriate a school may use faculty members from other law schools to supervise or assist in the supervision or review of a field placement program.

(d) The studies or activities shall be approved in advance and periodically reviewed following the school's established procedures for approval of the curriculum.

(e) A field placement program shall include:

- (1) a clear statement of the goals and methods, and a demonstrated relationship between those goals and methods to the program in operation;
- (2) adequate instructional resources, including faculty teaching in and supervising the program who devote the requisite time and attention to satisfy program goals and are sufficiently available to students;
- (3) a clearly articulated method of evaluating each student's academic performance involving both a faculty member and the field placement supervisor;
- (4) a method for selecting, training, evaluating, and communicating with field placement supervisors;
- (5) periodic on-site visits or their equivalent by a faculty member if the field placement program awards four or more academic credits (or equivalent) for fieldwork in any academic term or if on-site visits or their equivalent are otherwise necessary and appropriate;
- (6) a requirement that students have successfully completed one academic year of study prior to participation in the field placement program;
- (7) opportunities for student reflection on their field placement experience, through a seminar, regularly scheduled tutorials, or other means of guided reflection. Where a student can earn four or more academic credits (or equivalent)

in the program for fieldwork, the seminar, tutorial, or other means of guided reflection must be provided contemporaneously.

Interpretation 305-1:

Activities covered by Standard 305(a) include field placement, moot court, law review, and directed research programs or courses for which credit toward the J.D. degree is granted, as well as courses taken in parts of the college or university outside the law school for which credit toward the J.D. degree is granted. (August 2004)

Interpretation 305-2:

The nature of field placement programs presents special opportunities and unique challenges for the maintenance of educational quality. Field placement programs accordingly require particular attention from the law school and the Accreditation Committee. (August 1999)

Interpretation 305-3:

A law school may not grant credit to a student for participation in a field placement program for which the student receives compensation. This interpretation does not preclude reimbursement of reasonable out-of-pocket expenses related to the field placement. (August 2004)

Interpretation 305-4:

(a) A law school that has a field placement program shall develop, publish and communicate to students and field instructors a statement that describes the educational objectives of the program.

(b) In a field placement program, as the number of students involved or the number of credits awarded increases, the level of instructional resources devoted to the program should also increase. (August 1999)

Interpretation 305-5:

Standard 305 by its own force does not allow credit for Distance Education courses. (August 2002)

APPENDIX D: LEGAL ISSUES RELATING TO EXTERNSHIPS

- D.1 Fair Labor Standards Act
- D.2 Americans with Disabilities Act
- D.3 Sexual Harassment Laws
- D.4 Equal Opportunity Employment Statements
- D.5 Extern Insurance

Fair Labor Standards Act and externs

The Fair Labor Standards Act governs whether a person is a trainee who receives credit or an employee entitled to at least minimum wage. The six-part test for unpaid interns states:

1. The internship, even though it includes actual operation of the facilities of the employer, is similar to training which would be given in an educational environment;
2. The internship experience is for the benefit of the intern;
3. The intern does not displace regular employees, but works under close supervision of existing staff;
4. The employer that provides the training derives no immediate advantage from the activities of the intern; and on occasion its operations may actually be impeded;
5. The intern is not necessarily entitled to a job at the conclusion of the internship; and
6. The employer and the intern understand that the intern is not entitled to wages for the time spent in the internship.

The Department of Labor has recently issued a [fact sheet on unpaid interns \(pdf\)](#).

<http://www.dol.gov/whd/regs/compliance/whdfs71.pdf>

The FLSA provides some exceptions for individuals who volunteer to perform services for a state or local government agency and for individuals who volunteer for humanitarian purposes for private non-profit food banks. WHD also recognizes an exception for individuals who volunteer their time, freely and without anticipation of compensation for religious, charitable, civic, or humanitarian purposes to non-profit organizations. Unpaid internships in the public sector and for non-profit charitable organizations, where the intern volunteers without expectation of compensation, are generally permissible.

WORKPLACE ACCESS FOR PERSONS WITH DISABILITIES

Externship programs must be accessible to students with disabilities. By way of introduction, it is interesting to note that the number of law students with disabilities is dramatically increasing. This increase is due in large part to the fact that elementary and high school students with disabilities, since the 1970's, have been provided more educational opportunities, and the passage and publicity of the Americans with Disabilities Act in 1990.¹ It is estimated that approximately 10 percent of all law students have some sort of disability, which may or may not require a reasonable accommodation.

The Americans with Disabilities Act (hereinafter "ADA") was passed by Congress and signed by President Bush in 1990. The Act has five titles, covering employment, state and local government programs, public accommodations, telecommunications and miscellaneous provisions.²

In passing the ADA, Congress noted that there are over 900 different disabilities. Therefore, rather than attempt to list all of them, Congress used the definition in place since 1973, that of the Rehab Act. The definition of a person with a disability has three prongs:

- ◆ A person with a substantial impairment from a major life activity,
- ◆ A person with a record or history of such an impairment, and
- ◆ A person who is perceived as having such an impairment.

An impairment can be mental, physical, emotional, sensory, or really of almost any type.³

The key phrases are substantial impairment and major life activity. A substantial impairment is compared to that of an average person. For example, somebody who cannot run a marathon probably does not have a substantial impairment from mobility, someone who cannot walk a block probably does. Major life activities include things such as caring for oneself, walking, seeing, hearing, breathing, speaking, learning or working.⁴

Please note that when you are assessing whether a person is substantially impaired for major life activity you should do that assessment without regard to the availability of mitigating measures. Therefore, somebody who is substantially hard of hearing even though might be fairly well able to hear with a hearing aid is still considered substantially impaired from the major life activity of hearing.

The ADA only prohibits discrimination against qualified individuals. The term qualified individual with a disability means an individual with a disability who has the skill, experience, education and other job related requirements of the position and who with or without reasonable accommodation can perform the essential functions of such position.

Title II of the ADA provides that a law school must not discriminate in offering and placing people with disabilities in externships. Besides this responsibility, the postsecondary institution must be sure that the outside source of employment provides appropriate accommodations for the student.⁵ It is clear that the law school must be sure that its externship placements are, as a whole, accommodating qualified students with disabilities.

The desired result is that the student with the disability will not be excluded from an externship on the basis of his or her disability. Also, the law school is responsible, when placing students in externships, to make sure that the externship site does not discriminate against students based on their disabilities; that the externship site accommodates the student's disability; and that the student is given a reasonable range of options with regard to having an opportunity to participate in an externship.⁶

Title III applies to any non-government or court placements. This Title prohibits persons who own, lease, lease to, or operate a place of public accommodation from discriminating against persons with disabilities. The purview of this section is very broad, applying to almost any privately owned entity, certainly covering all legal services organizations or any other private placement. Placements must make reasonable modifications in their policies, practices, or procedures, unless to do so would fundamentally alter the nature of their services. Most of the cases under Title III have dealt with communication problems, failing to provide interpreters for persons who have hearing impairments.⁷

Placements must make themselves accessible to persons with disabilities if it is "readily achievable". This is assessed by considering the cost, the overall resources of the facility and the types of operations. Each person with a disability is different, as is each workplace, so exactly what needs to be done to accommodate a specific situation is very fact specific.

As an example, a law student who uses a wheelchair for mobility will need either a ramp or elevator if there are stairs. They might also require a desk that is higher, more room to maneuver, an accessible restroom and other particular requirements. A law student who is hearing impaired may require a text telephone, may require an interpreter at times and possibly other assistance. Other issues may arise with students with learning disabilities who may need extra time from a supervisor or extra assistance. In most cases, these types of modifications would be readily achievable, but there could be a case where the demand was so great that it caused a fundamental alteration of the services.

In general, the ADA is intended to provide equal access for law students with disabilities to participate in an externship experience. As we know, these externship experiences are enormously valuable to law students in many ways.

1 GREATER LOS ANGELES CONSORTIUM ON EXTERNSHIPS (GLACE) Supervision Manual for Field Placement Supervisors

2 42 U.S.C. Section 12101 et. seq.

3 Although the ADA had been portrayed as a radical new law, it was actually based in large part on an earlier law, the Rehabilitation Act of 1973. This Act is generally referred to as section 504 because that was the number it had during passage. Section 504 prohibited discrimination against persons with disabilities who were employed by the federal government, entities that received federal funding and entities that had federal contracts. The large body of case law developed under section 504 informs our discussion concerning the ADA.

4 For example, visual impairments, mobility impairments, depression, high blood pressure, cancer, multiple chemical sensitivity, and back injuries may all be covered.

5 34 C.F.R. §104.12 (a): A recipient shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified handicapped applicant or employee unless the recipient can demonstrate that the accommodation would impose an undue hardship on the operation of its program.

6 Title II applies in exactly the same way to any state or local government agency. This includes the State Courts. The federal government is covered by the Rehab. Act of 1973, and the Federal Courts are not specifically covered.

7 People v. Mid Hudson Medical Group, 877 F. Supp. 143 (SDNY 1995).

9.3 WORKPLACE FREE OF ILLEGAL OR UNWANTED HARASSMENT

The UNC School of Law Externship Program is committed to providing students with externship placements that are free from illegal and unwelcome harassment. Sexual harassment is prohibited under both Federal and State law.¹ We expect all placement agencies to be cognizant of the law and provide a work environment for students that is free of harassment.

The EEOC defines sexual harassment as follows:

“Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. Title VII applies to employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations, as well as to the federal government.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.

The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.

The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.

Unlawful sexual harassment may occur without economic injury to or discharge of the victim.

The harasser's conduct must be unwelcome.

It is helpful for the victim to inform the harasser directly that the conduct is unwelcome and must stop. The victim should use any employer complaint mechanism or grievance system available.

When investigating allegations of sexual harassment, EEOC looks at the whole record: the circumstances, such as the nature of the sexual advances, and the context in which the alleged incidents occurred. A determination on the allegations is made from the facts on a case-by-case basis.

Prevention is the best tool to eliminate sexual harassment in the workplace. Employers are encouraged to take steps necessary to prevent sexual harassment from occurring. They should clearly communicate to employees that sexual harassment will not be tolerated. They can do so by providing sexual harassment training to their employees and by establishing an effective complaint or grievance process and taking immediate and appropriate action when an employee complains.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on sex or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under Title VII.”²

An extern who believes he or she has been harassed is encouraged to promptly report the incident to the Director of the Externship Program. The Externship Program will take appropriate steps as required by the UNC Chapel Hill “Policy on Prohibited Harassment, including Sexual Misconduct and Discrimination”. This includes contact with the placement agency complained of, if appropriate.

1 Title VII of the Civil Rights Act, 42 U.S.C. Section 2000e et.seq., 25 NCAC 01J.1101 (applies to every state agency and university with employees subject to the State Personnel Act).

2 U.S. Equal Employment Opportunity Commission, Facts About Sexual Harassment FSE/4, <http://www.eeoc.gov/facts/fs-sex.html>

UNC School of Law Non-Discrimination Policy

The official non-discrimination policy of UNC School of Law is as follows: “The University of North Carolina School of Law is committed to providing its students and graduates with equal opportunity to obtain employment, without discrimination on the basis of an individual's race, color, gender, national origin, age, religion, creed, disability, veteran's status, sexual orientation, gender identity or gender expression (hereinafter his/her "protected status").” Participation in the Externship Program is restricted to prospective sites who agree to comply with this non-discrimination policy.

Information on General and Professional Liability For University System of the State of North Carolina Student Interns (Non-Medical)

This is a brief summary of the coverages offered to insured participants.
For complete details, please refer to the policy on file with the agency.

Administered by:
North Carolina Association of Insurance Agents
1506 Hillsborough Street
P.O. Box 10097
Raleigh, NC 27605
Phone: (919) 828-4371 OR Toll free: (800) 849-6556

The Program

The University Student Intern Program provides coverage for an insured party that becomes legally liable to pay damages because of property damage, bodily injury or personal injury because of their participation in a university internship program to which the policy applies. This insurance will also pay those sums, which an insured party becomes legally obligated because of any act, error or omission in the rendering or failure to render professional services in conjunction with an internship. This program also includes a medical expense and accidental death and dismemberment benefit to participants. **The cost to students is \$15.75 per semester. Checks payable to UNC Law Clinics.**

Who is an Insured Party?

Students of participating Universities in the NC University System who are engaging in paid or unpaid internships can be covered by this program. These internships must be sponsored, authorized, or approved by the participating University and the student must be included in the list of covered students on file with the administrator.

Coverage Limits:

- \$1,000,000 each occurrence for Bodily Injury, Property Damage, or Personal Injury claim
- \$3,000,000 aggregate limit for all Bodily Injury or Property Damage claims
- \$50,000 for Fire Damage Liability
- \$1,000,000 each claim limit for professional liability
- \$3,000,000 aggregate limit for all professional liability claims
- \$10,000 for covered medical expenses, accidental death or dismemberment.

Major Exclusions to this Coverage:

Intentional Acts, Liquor Liability, Pollution Liability, Automobile Liability, Your property or property of others in your care, custody, or control, Employment Practice Liability, Abuse or Molestation, Products/Completed Operations Liability, Health Care and Mental Health Services, Unauthorized hardware or software tampering, viruses, or use, Fiduciary Liability, and Intellectual Property Liability

If you have a claim or are sued or threatened with a lawsuit, report the claim immediately to:

Shirley McLamb-Hudson, NCAIA
1506 Hillsborough Street
Raleigh, NC 27605
Phone: (919) 828-4371 OR Toll free: (800) 849-6556

Coverage provided by:
General Star Indemnity Company
Policy Number: IYG-372839

Policy is on file with the Administrator

Coverage for professional liability is on a claims-made form, all other coverages are provided on an occurrence basis.