

POLICY ON NON-CLINIC EXTERNSHIPS*

General

Under certain circumstances, the law school may grant academic credit for non-clinic externships. This non-clinic program is, except in special cases approved by the clinic, available only for externships in which the organization with whom the student proposes to work is beyond the geographic reach of the clinic's program. The externship must be with a non-profit or governmental organization. In order to receive academic credit for a non-clinic externship, a student must work at least 50 on-site hours for each hour of academic credit and must complete a research paper equivalent to one for which two academic credits would normally be given. Externships are ungraded except that the faculty supervisor will assign a grade to the required paper and, in the case of an externship for more than three credits, two of those credits will carry that grade. In addition to the academic credits arising from the externship, the student may also receive writing credits for the paper.

Most non-clinic externships are for six credits, generally earned in the summer; if an externship is proposed for three or fewer hours, the paper requirement is reduced to that of a one-credit paper. Externships are subject to the limitations that the student must have completed two semesters or its equivalent of law school; may not receive more than a total of 15 hours of credit for clinic work or externships; may not receive more than a total of 20 hours of credit for clinic work and externships and courses taken outside the law school; and may not receive credit for more than one non-clinic externship.

For a statement of the educational objectives that each externship should serve, please see the attached "Statement of Educational Objectives for Non-Clinic Externships" (the "Statement"). The student who is applying for an externship is responsible to ask the Chair of the Curriculum and Externship Committee to have copies of this Policy and attached Statement sent to both the on-site supervisor and faculty supervisor before the student completes the application process. Before investing a great deal of effort to develop an externship proposal, students would be well advised to confer with the Chair of the Curriculum and Externship Committee to see what issues the proposed externship might raise.

*In the fall of 2006, the faculty approved a second type of Non-clinic legal externship ("summer legal placement") for three credits. Students must spend at least 150 on-site hours. The paper requirement is suspended, though students will be required to complete a series of writings over the summer. It is graded pass-fail. A faculty member will be assigned to a group of students, so students need not find their own faculty supervisors. Enrollment may be limited based on the number of sections we offer in summer school.

Requirements for Student Applications

Applications for non-clinic externships must be approved by the faculty members of the Curriculum and Externship Committee. Absent compelling circumstances, applications for summer externships must be submitted by April 1; for fall externships, by July 1; and for spring externships, by December 1. An application should include (1) a request from the student which should identify the organization, the outside supervisor, the faculty supervisor, a statement of what methods of education the proposed program will employ and how those methods will advance the educational objectives set forth for non-clinic externships in the Statement, a specification of the proposal in terms of the number of hours that will be worked and the number of credits that are sought, the student's undertaking with respect to the research paper, and the student's certification that the work will be uncompensated; (2) the required letter from the outside supervisor (see below); (3) a statement of the qualifications of the person who will be the student's immediate supervisor (usually a resume or its equivalent); (4) the necessary written communication from the faculty supervisor (see below), and, if the externship is at a location within a reasonable driving time of Iowa City, the Clinic's approval; and (5) a copy of the student's current law school transcript. After obtaining all of the necessary documentation, the student should submit it to the chair of the Curriculum and Externship Committee together with the Externship Checklist, properly filled out to the extent the student is able.

Requirements for Outside Supervisor

The outside supervisor must, in a letter to the committee, (1) identify in a general way the nature of the work the student will be asked to do in the proposed externship, (2) indicate that the organization is not for-profit and certify that the student will not receive any form of compensation; (3) identify the person who will be the student's immediate supervisor; (4) state the organization's commitment to the educational possibilities of the externship and to providing the student with on-going feedback on the student's work; (5) agree that the student may share substantially all of the student's work-in-progress with the faculty supervisor or indicate what arrangements can be made to permit the faculty supervisor to participate meaningfully in the evaluation and to provide guided reflection on the student's work (see next section below); (6) agree that the organization will consult with the faculty supervisor during the course of the externship, provide information, in accordance with the understandings reached concerning confidentiality, as may be requested on those aspects of the student's work that do not result in written product, and, at the end of the externship, provide the faculty supervisor with a written statement

concerning the approximate number of hours that the student has worked, whether the student has satisfactorily completed all of his or her work, and evaluating the student's work.

Requirements for Faculty Supervisor

The faculty supervisor must make it clear to the committee, in writing, that (1) during the course of the externship, the faculty supervisor will, by phone or in person, regularly confer with the student on the work that the student has completed, on work-in-progress, and on future assignments; (2) the faculty supervisor has talked with the outside supervisor, is satisfied that the outside supervisor understands our requirements for externships, will consult, as may be appropriate during the course of the externship, with the outside supervisor, and is satisfied with logistical and other arrangements—including especially in the case of host organizations that place restrictions on the extern with respect to sharing work in progress with the faculty supervisor, that arrangements have been made to permit the faculty supervisor to participate meaningfully in evaluating the extern's performance and to provide opportunities for guided reflection for the student with respect to the externship experience; (3) the faculty supervisor understands that, in order to receive credit for the externship, the student will be required to complete under the faculty supervisor's supervision a research paper that is on a subject related to the externship and that would satisfy the college's normal requirements for a two-hour independent research paper; and (4) toward or after the conclusion of the externship, the faculty supervisor will obtain from the on-site supervisor the report he or she is required to provide (see above), conduct such discussions with the on-site supervisor as may be necessary to clarify that report, and provide the two brief reports required below (a) evaluating the degree to which the externship actually met the educational objectives outlined in the Statement and (b) evaluating the student's performance during the externship.

With respect to the arrangements for sharing work in progress, if the host organization is of the view that office confidentiality requirements prevent the extern from disclosing work in progress, then the faculty supervisor and on-site supervisor should explore what methods can be used to preserve the confidentiality of the office without preventing the faculty supervisor from participating meaningfully in evaluating the student performance and providing opportunities for guided student reflection about their externship work. For example, consideration should be given to redacting all work to be shown to the faculty supervisor to eliminate names and all other identifying details. The faculty supervisor does not need to know the identity of the parties in order to engage with the student on legal issues he or she has been asked to research or in order to critique the clarity of the writing. To the extent the student's work involves the development of specific facts (client or witness interviewing, for example), it may not be possible to solve confidentiality problems by redaction, but the faculty supervisor could engage the

student in meaningful discussion about the process of planning and preparing for client or witness interviews, without requiring identification of the people involved or disclosure of specific facts. Although it is not ideal for the faculty supervisor to be able to discuss work done only after the extern is completely finished with the work, in some cases where, for example, the extern's work is incorporated into a brief or decision (of a board or court), it may be acceptable for the faculty supervisor to see the student's work only after the brief or decision is made public if there is not too long a delay before the work is made public and it occurs in any event before the end of the externship. It is, however, not possible for faculty supervisors to participate in evaluating research and written work product if they are not permitted to see any of the written product during the externship. If a significant portion of the student's work may not be disclosed to the faculty supervisor during the externship period, then the faculty and on-site supervisors need to consult to determine whether there is a way that the faculty supervisor can participate meaningfully in evaluating the student's work during the externship. If there is not, we cannot approve the externship according to ABA rules. Opportunities for guided student reflection should also be provided by the faculty supervisor though those opportunities may be provided by the host institution if it does so in a program of regular tutorials or seminars.

With respect to the conferences between faculty supervisor and extern, the faculty's general expectation is that the conferences will be reasonably frequent (at least once a week), that they will be substantial, and that they will be conducted, subject to the foregoing paragraph, under circumstances in which the faculty member has sufficient knowledge of the actual work the student is doing to make these discussions meaningful.

Committee Approval

The committee will consider applications which are complete and timely, in which the required commitments have been made, and which are made by students who are in good academic standing. In exercising its judgment as to whether a particular externship will be approved, the committee will take into account the degree to which the organization or the outside supervisor are known to be committed to the educational possibilities of the externship; the committee's confidence in the quality and commitment of the outside supervisor; its confidence that the circumstances will permit effective faculty supervision; and in close cases, the strength of the student's academic record. Externships for more than 6 credits will be approved only in the case of applications that are extraordinarily strong and that include both the "onsite visit" by the faculty supervisor, as required by the ABA, and significant educational components such as classroom teaching or seminars. In all cases, the committee will be guided by the faculty's strong

preference for smaller externships over larger ones and for externships in the summers or in the fourth and fifth (rather than the third or sixth) semesters.

Reports Required at Conclusion of Externships

The faculty supervisor will, at the conclusion of the externship, provide the committee with a short report indicating whether the student has completed all of his or her obligations and assessing the quality of the student's experience in the externship. That assessment should speak to the sufficiency of the contacts between the student and the faculty supervisor; the organization's actual commitment to the educational possibilities of the externship; and the sufficiency of the supervision and feedback provided by the organization. In preparing his or her report, the faculty supervisor should solicit the student extern's views about these issues and reflect those views in the report, as well. The faculty committee responsible for the administration of this program will, on an annual basis, provide a brief written report to the faculty as a whole.

After consultation with the on-site supervisor, as described above, the faculty supervisor will also, at the conclusion of the externship, provide the student with a short assessment, either oral or in writing, of the student's performance during the externship.

Transfer of Credit for Externships Earned at Another School

Except in the case of students who bring externship credits with them when they transfer into the college, a student seeking to receive academic credit at this college for an externship taken through another law school must secure the approval of the Curriculum and Externship Committee. This is not meant to discourage students from registering for externship programs at other schools or to suggest that this college will only approve such registrations when the other school's externship program conforms in all respects to our own.

STATEMENT OF EDUCATIONAL OBJECTIVES FOR NON-CLINIC EXTERNSHIPS

Non-clinic extern opportunities are intended to provide the student with a number of different educational opportunities; the balance among them will necessarily vary with the nature of the placement. Every placement, however, shall have as its animating purpose the in-depth exposure of the student to the actual practice of law in as many facets as practicable. The student must be directly involved in activities characteristically performed by attorneys; merely shadowing attorneys, while an appropriate component of an externship educational experience, should never be the exclusive, nor even the predominant, activity for a student. The specific activities that would fulfill this purpose are manifold, for instance, research and writing, document drafting, client interviewing and counseling, fact investigation, negotiations, and court appearances.

The non-clinic externships approved under this policy should be directed toward providing as broad an exposure to all relevant skills as is possible. Some placements will by their nature limit the student's actual performance of lawyering activities to perhaps one or two of this non-exclusive list. For instance, judicial externships will always emphasize almost exclusively the legal research and writing skills practiced by attorneys. In those circumstances, the faculty and site supervisors should make every effort to ensure the students are at least offered the opportunity to observe and/or discuss a broader range of activities.

These externships are intended to expose our students to legal skills but also to legal practitioners; thus, any placement must guarantee that the student will have frequent and close interaction with attorneys. Similarly, the placements are intended to expose our students to the ethical issues raised in the actual practice of law; thus, every placement should offer an opportunity to confront and discuss real ethical problems. Finally, the requirement that the placements occur in non-profit venues is the result of a faculty judgment that every externship should reflect a conscious commitment to public service and that the externship will offer the student the opportunity to make a concrete contribution to society.