

## **Southwestern Externship Program Policies and Guidelines**

The Externship Policies and Guidelines are revised from time-to-time. Please contact the Externship Office in W231 for the latest version or check online.

### **A. Purpose and Goals of the Externship Program**

In its mission to offer exceptional and diversified educational programs, Southwestern developed an Externship Program to offer experiential education to a large number of its students. The Program offers students the opportunity to gain legal education through real-life practice experiences, by externing at approved off-campus placements, with governmental agencies, public interest entities, state and federal judges, the legal departments of select organizations and select law firms. The Externship Program enhances the students' legal education through hands-on experience as well as observation of the practice of law, with structured and appropriate supervision. Externships are also a great opportunity for students to refine educational goals and test career goals. The objectives of the Externship course are to help students:

1. Learn how to learn from experience, by identifying specific personal learning goals and then tracking and assessing progress;
2. Develop and improve professional skills;
3. Develop the ability to handle legal issues/problems in real-life situations; and
4. Be able to reflect on your values, learning, and performance as these relate to your responsibilities as professionals to continuously learn, evolve, and achieve self-fulfillment.

### **B. General Provisions**

#### **1. Curriculum Relationship**

All externship placements will relate to the general law curriculum offered at Southwestern.

#### **2. Grading**

All externships are graded Credit/No Credit.

#### **3. Unit Credit for Part-time Placements**

- a. Fall and Spring Semesters: Part-time non-judicial externship placements are for three units of credit. Part-time judicial externships are for four units of credit; these include California Superior Court, and California Court of Appeals externships as well as Bankruptcy Court externships.
- b. Summer Session: Part-time summer externships are for two, three, or four units of credit.
- c. Note: a special one-unit externship is available during fall, spring, and summer for part-time students who have full-time or near full-time work obligations that would prevent them from participating in our current Externship Program. The externship can be short-term (minimum four

weeks) and more flexible than the regular externships. The one-unit externship requires 60 hours of fieldwork. Enrollment requires pre-approval of the Externship Director.

d. Note: see Section C below for unit limits for certain externships.

#### **4. Unit Credit for Full-time Placements**

- a. Fall and Spring Semesters: Full-time externships are for ten units of credit. These are typically limited to U.S. District Court and 9<sup>th</sup> Circuit Court of Appeal externships.
- b. Summer Session: Full-time summer externships are for five units of credit.

### **C. Non-Attorney Supervision; Paid Externships; and Law Firm Externships**

#### **1. Non-Attorney Supervision**

In certain circumstances, students may do an externship under the supervision of a non-attorney who is otherwise qualified to supervise a law school externship. This type of externship is limited to 3 units only (e.g., one fall/spring/summer externship). Special approval is needed from the Externship Program Director for this type of externship. Fieldwork in areas of policy, contract administration, or compliance, supervised by a non-attorney, may qualify.

#### **2. Paid Externships**

In August 2016, the American Bar Association lifted the ban on “paid externships.” Accordingly, at Southwestern, receipt of both compensation and school credit for externships is possible in certain circumstances. In addition to a and b below, students receiving school credit for externships may also be compensated for transportation or lodging associated with the externship (e.g., in the case of an out-of-town placement).

- a. Students may receive externship school credit for paid positions that otherwise meet our requirements (e.g., in-house position or public sector that pays the student for his/her work). This type of “paid externship” is limited to 3 units only (e.g., one fall/spring/summer externship). For SCALE II students, in Period 8, the cap for this kind of externship is 5 units if that’s the student’s only “paid externship.”
- b. Students may receive externship school credit for public interest and public sector externships for which the student also receives a grant or scholarship.

If you are seeking a “paid externship” (i.e., you will be receiving any kind of compensation for the externship), please note the following:

- You are required to meet with the Externship Program Director to discuss this option and obtain approval during the semester prior to your proposed externship.

- The Externship Program Director (or designate) will communicate with the supervisor about the paid externship prior to approval.
- Regardless of pay status, both the student and supervisor must agree to abide by all the requirements surrounding externships as discussed in the Student Handbook, these Policies and Guidelines, the course Syllabus, the Externship Agreement, the GLACE Supervisors Manual, ABA Standards for field placements, and any other documentation provided by Southwestern.
- The student and supervisor will have to complete the Externship Agreement and indicate whether payment is provided to the extern.

### 3. **Law Firm Externships**

Students may participate in one 3-unit law firm externship during the course of their law school education (fall/spring/summer). For the summer session, SCALE students may participate in a four-unit law firm externship. (Note that this section applies to non-entertainment law firms; for Entertainment Law Firm Practicum, visit the Externship Office/Portal page or the Biederman Entertainment & Media Law Institute.)

Students interested in a law firm externship – as their first law school externship – are required to connect with an alum via the Alumni Resource Network (“ARN”) to discuss educational and career goals with a mentor and reflect on why a law firm externship might present a good learning opportunity. The alum must be a practicing attorney for at least two years. The outreach to the alum should cover the following to be included in the student’s request to the Externship Program Director for approval of a law firm externship:

- What are your general areas of interest and in what type of practice setting – e.g. private or public; litigation or transactional; civil or criminal; specific practice area such as family law, immigration, workers compensation, etc.
- How do you think a law firm externship will help you educational goals at this point in your legal education (i.e. given the classwork you have completed, other legal experiences, etc.).
- What are two or three major takeaways from meeting with your ARN mentor.

## D. **Student Eligibility and Application Requirements**

### 1. **Academic Standing**

Students must be in good academic standing in the semester preceding their participation in the Externship Program. Some externship placements require top class ranking (e.g., top 10% for the 9<sup>th</sup> Circuit Court of Appeal and the California Supreme Court, and to 10-30% for other federal judicial and government); please check with the Externship Office and the placement descriptions. These requirements apply whether the externship application is submitted through the Externship Office or directly by the student. In

addition, the Director of the Externship Program retains the discretion to base program admission on the student having compiled an academic record that exceeds the good standing requirement. A student falling below good academic standing (placed on academic probation) while participating in an externship may continue the placement barring extraordinary circumstances.

**2. Eligibility**

Full-time students can apply to do an externship beginning their first summer. Part-time students can apply to do an externship beginning their second summer. Students must complete their externship in the semester or term they begin it. A student who has failed to complete an externship or who receives a grade of No Credit will not be permitted to enroll in another externship.

**3. Credit/No Credit Cap and Number of Externships**

Students are limited to two externships and may not take more than 16 units of credit/no credit (e.g., Moot Court Honors Program, Law Review, TAHP, Trial Advocacy, Negotiation Honors Program, Externship, January Intersession courses), excluding those earned by transfer credit courses taken at another law school.

A student who would like to return to the same placement for a subsequent semester/session (e.g., continue with same DA unit or with the same judge) must petition for this second term, explaining the educational benefit derived from a second term at the same placement.

**4. Pre-Application Requirements**

Prior to applying for a placement, students must thoroughly familiarize themselves with these Externship Policies and Guidelines, and educate themselves about the various placement opportunities – e.g., through various informational events at the law school and extensive materials available at the Externship Office and online. Students should also meet with Externship Office staff and/or the Externship Director for counseling.

**5. Student Applications**

Students must apply for an Externship Program placement by filling out the Externship Application Form available online and in the Externship Office, Room W231. Submit the completed Application to the Externship Office in hard copy. You must email your resume, cover letter and writing sample (if required) to [externoffice@swlaw.edu](mailto:externoffice@swlaw.edu) to complete your application. Students applying for a judicial externship must submit a writing sample; some non-judicial placements also require a writing sample, so please check with the Externship Office. A cover letter is required for all placements. Finally, some placements require a transcript, which the student must submit directly or the Externship Office will provide to the placement. Because placements periodically revise their application process, such as writing sample or

transcript requirement, without notifying Southwestern, please visit the placement's website for updated information before submitting your application materials to the Externship Office.

For judicial and federal government externships as well as the California Attorney General's Office, students should submit applications no later than:

- **September 1** for spring placements
- **September 22** for summer placements
- **March 1** for fall placements

For all other externships, students should submit applications no later than:

- **October 1** for spring placements
- **January 22** for summer placements
- **April 15** for fall placements

Please note that some externships are highly competitive, such as federal judicial and government placements and placements in the legal departments of entertainment organizations. Also, some placements require a security clearance (primarily judicial and government), a process that may take up to 3 months. Finally, some placements require certification by the State Bar – e.g., the Preliminary Hearing Unit of the District Attorney's Office.

Therefore, early planning and submission of application is necessary. For federal government or judicial, apply at least eight to ten months in advance; for California Supreme Court externships apply approximately one year in advance. Also, please note that some placements have prerequisites. For example, students wishing to participate in entertainment externships must have completed Copyright Law. This requirement applies regardless of whether the placement is obtained through Southwestern's Externship Office or through the student's own efforts. In exceptional circumstances, the requirement may be waived if the Directors of both the Externship Program and the Biederman Entertainment and Media Law Institute agree.

## **6. Placement Interview and Commitment to Placement**

Almost all externship placements require that the student be interviewed by the placement supervisor. Upon scheduling an interview, the student must notify the Externship Office. Once an interview is scheduled, the student must complete the interview, accept the position if offered, and arrange an appropriate work schedule for the semester. The student must immediately advise the Externship Office of the outcome of each interview (i.e., offer accepted or no offer).

Once a student accepts an externship, he/she must successfully complete the required hours of the externship and all other course requirements. Any proposed change of plans or any complications, at any time, should be reported immediately to the Director of the Externship Program or the Externship Office.

## **E. Standards for Selection of Students for Externships**

All placements are at the discretion of the Director of the Externship Program. In exercising that discretion, the following factors will be considered:

1. **Ability to extern at the placement:** Is the placement a good fit for the student? Does the student have the legal, professional, interpersonal and intellectual skills for a productive externship experience in the particular placement? In making this determination, the law school transcript will be examined, but it will not necessarily be conclusive. In addition, an interview with the student, input from faculty, and performance in other externships and/or co-curricular and extra-curricular activities may be considered.
2. **Reason for wanting to participate in the placement:** Does the placement fit into the educational goals and career interests of the student?
3. **Compliance with requirements and prerequisites:** Has the student complied with all placement and Externship Program requirements and prerequisites?

## **F. Approved Placements and Evaluation of Placements**

### **1. List of Approved Placements**

The Externship Office maintains a list of approved placements and placement descriptions for students' review. The master list is updated annually in late summer. Please check online or with the Externship Office for revisions and additions during the course of the year.

### **2. Placement Selection and Approval**

Placements are with governmental agencies, courts, or public interest entities. Placement of students with for-profit organizations, such as the legal departments of select organizations and select law firms, are allowed only to take advantage of particular opportunities that cannot otherwise be duplicated by placement in not-for-profit entities. Approved placements are those that are compatible with the purpose and goals of Southwestern's Externship Program, detailed above. In addition, in order to be approved and continue to be part of the Externship Program, placements are screened to ensure that:

- The placement has sufficient staff resources to assign the student to a particular attorney or judicial officer for supervision;
- The supervising attorney or judicial officer is aware of his or her teaching and supervisory responsibilities, including providing the student with a variety of opportunities for hands-on legal experience as well as observation of law practice, exposing the student to a range of legal projects, training the student, assisting the student in the assigned tasks, and observing and critiquing the student's performance; and
- The supervising attorney or judicial officer will verify the accuracy of the student's time sheets throughout the period of the placement, and complete a detailed evaluation of the overall student performance at

semester's end.

### 3. **Placement Evaluation**

The Director of the Externship Program is responsible for overseeing the evaluation of placements. Every placement is evaluated by the Director of the Externship Program or another faculty member through periodic on-site visits or their equivalent. The externs' input is also considered.

The criteria for evaluation are:

- How well the placement meets the Externship Program goals;
- How well the placement meets the objectives based on which it was approved;
- The suitability of the legal projects given to the student and the adequacy of the supervision by the supervising attorney or judicial officer;
- The benefits to the students from the placement; and
- The benefits to the law school from the placement.

### 4. **Termination of Placement**

An externship placement may be terminated as an approved placement if, after a placement evaluation, it is in the judgment of the Director of the Externship Program unsuitable for continued placement of Southwestern students.

### 5. **New Placements**

Law school policy is to encourage the establishment of new placements that will enhance educational opportunities for students. New placements should, however, have the potential for continuation. Thus, one-time placements or short-term programs will generally not be deemed suitable candidates for inclusion in Southwestern's Externship Program.

Students should not commit to a new placement and then request unit credit. Rather, the student should first provide the following information to the Director of the Externship Program so that the Director can assess whether to approve the placement:

- Details about the proposed placement (including nature of organization and its legal work, number of attorneys);
- Details about the proposed supervising attorney (min. five years in practice, whether experienced in supervising externs, contact information);
- Range of contemplated legal projects for the extern; period and hours (e.g., 8- or 10-week summer commitment, xx hours per week);
- Confirmation that student has discussed with the supervising attorney the educational nature of the externship;
- In the event that the proposed supervisor is not an attorney, detailed

- explanation of the supervisor’s qualifications to supervise a law school externship; and
- Explanation how externship at the proposed placement fits with the student’s educational and career goals.

## **G. Student Requirements after Acceptance of a Placement**

### **1. Acceptances**

Once a student accepts an offer, the student must advise the Director of the Externship Program or the Externship Office of his/her acceptance of an offer. If the student has been in contact with other placements, he/she should follow up with the other placement(s) and explain that he/she has already accepted another externship.

If a student is selected for an externship and accepts the offer, he or she will not be able to withdraw the commitment except for compelling reasons. To obtain permission for withdrawal, the student must immediately, upon the knowledge of such compelling reasons, petition in writing to the Director of the Externship Program prior to the commencement of the externship. The petition must specify the compelling reasons for withdrawal. Failure to petition and receive approval may jeopardize the student's chances of being considered for a future externship placement. Under no circumstances will a student be allowed to withdraw an acceptance to go to another placement.

### **2. Externship Agreement**

Once a student accepts an offer from an approved placement, the student must complete and sign the Externship Agreement, present it to the supervisor, and return the signed form to the Externship Office.

### **3. State Bar Certification**

Several placements require State Bar Certification and/or offer opportunities for certified student fieldwork - e.g., the Preliminary Hearing Unit of the District Attorney's Office. Students should take the necessary steps to be certified in time for the beginning of the externship semester or session, where pertinent to the individual placements. Please visit the website for the State Bar of California, <http://www.calbar.ca.gov/>, and search for “Practical Training of Law Students.”

### **4. Hours Requirement**

The following minimum hours requirements apply to the corresponding externship units. Hours are computed on the basis of a regular semester and an eight-week summer session. Students must complete the minimum hours on a weekly basis for the duration of the semester or eight-week summer session.



**Fall/Spring semester:**

- 1 unit – (60 hours total; min. 4 weeks)
- 2 units – 8.5/9 hours/week (120 hours total)
- 3 units – 13 hours/week (182 hours total)
- 4 units – 18 hours/week (252 hours total)
- 10 units – 40 hours/week (560 hours total)

**Summer session:**

- 1 unit – (60 hours total; min. 4 weeks)
- 2 units – 16 hours/week (128 hours total);
- 3 units – 23 hours/week (184 hours total);
- 4 units – 32 hours/week (256 hours total);
- 5 units – 40 hours/week (300 hours total).

Externs will receive 15 hours of credit for satisfactory completion of the academic component of their externship, which counts toward their hours' requirement.

**5. Schedules**

Students must arrange with their placement supervisor a schedule for their externship. Students are expected to abide by their schedule. Gross, unauthorized deviations from the schedule will be cause for termination of the externship or for assignment of a failing grade or both. Authorization for deviations from approved schedules requires the consent of the placement supervisor and the Director of the Externship Program. Also, when requesting permission to take a course(s) in another program (i.e., day students in night program) due to conflicts between the externship schedule and the day curriculum, approval by the Dean of Students is required prior to any change in schedule.

All externships run concurrent with the applicable semester/session. Summer externships are concurrent with the 8-week summer session and will not be tailored to individual schedules.

**6. Placement Requirements**

Externs must comply with all working hours requirements and conditions imposed by the placement. Students must arrive for the fieldwork and remain with the placement according to the dates and times specified by the placement. Placements generally run from the first day of instruction through the last day of instruction of the semester or session. The student is required to be at the placement each week of the semester or summer session.

**7. Academic Component**

In addition to the satisfactory completion of the fieldwork hours, externs must also satisfactorily complete the course academic components, described in the

Syllabus. These will include orientation (for first-time externs), class sessions, reflective exercises, submission of timesheets and work product. Full-time externs must also submit a six to seven page paper at the conclusion of their externship. Entertainment Law Firm and BEMLI externs are also required to submit a six to seven page paper at the conclusion of their externship; these externs should consult with the Director of the Entertainment and Media Law Institute regarding the nature of the paper.

**8. Confidentiality**

Students are expected to hold in strictest confidence all information and communications received in the course of the externship placement that are not matters of public record or knowledge, and to adhere fully to the standards of professional conduct.

**9. Unlawful Practice of Law**

At their placement, students may have the opportunity for contact with clients or potential clients, the court, other attorneys, etc. Students should be extremely cautious in their communications so that they are limited to and do not overstep the scope of work that they are authorized to perform. All communications should be prefaced by disclosing the student-extern status.

**10. Professionalism**

Students are required to exhibit professional conduct at all times during their externships. Any extern failing to achieve an acceptable level of professionalism, in the sole judgment of the Director of the Externship Program, may have the academic credit for his/her placement reduced or eliminated, with no refund of tuition.

**H. Grading and Evaluation**

A grade of Credit or No Credit (or partial credit) is determined by the Director of the Externship Program and in some cases the Faculty overseeing the particular extern. The grade is based upon satisfactory and timely completion of the requisite externship hours and the academic component requirements, the evaluation of the placement supervisor, and the student's compliance with all course requirements.

Any student enrolled in an externship placement who fails to comply with any provisions of the Externship Program, of the Student Honor Code, or appropriate regulations governing the profession, may, at the discretion of the Director of the Externship Program, be assigned a No Credit and be barred from further placements.

Also, any student who does not satisfactorily and timely meet the academic component requirements will be subject to point deductions, impacting course credit, unless a compelling excuse applies. See Syllabus for specifics regarding the point deductions and the impact on course credit.

## **I. SCALE Externships**

These Policies and Guidelines also apply to SCALE students. SCALE II students, however, may be approved for two externship placements in private law firms during summer as well as the required Period 8 full-time externship placement. This exception is made for SCALE II students because they have limited opportunity during their time in law school to gain real world practical legal experience, test out career goals as well as explore opportunities for jobs upon graduation. Also, the hours requirement for SCALE II full-time externships is 300 hours over the course of Period 8.

## **J. Administration of the Externship Program**

- 1. Director:** A full-time faculty member directs the Externship Program. The Director reports to the Dean.
- 2. Administration:** The Externship Program is administered consistent with the policies and guidelines set forth in this document.
- 3. Exemption and Waivers:** The Director of the Externship Program has the power to waive or grant an exemption from any requirement in the Externship Policies and Guidelines.

All requests for exemptions or waivers must be in writing and detail the basis for the requested exemption or waiver. The decision whether to grant or deny an exemption or waiver is solely within the Director's discretion.