



WILLIAM & MARY
LAW SCHOOL

EXTERNSHIP FIELD SUPERVISOR HANDBOOK

Summer Semester 2019

Fall Semester 2019

Spring Semester 2020

Washington, DC, Semester Externship, Fall 2019

Robert E. Kaplan

Associate Dean and Professor of the Practice

(757) 221-3804

rekapl@wm.edu

Catherine A. Bellin

Adjunct Professor

cabellin@wm.edu

Katherine Ainslie

Administrative Assistant

(757) 221-4870

keainslie@wm.edu

Judith Conti

Adjunct Professor

Washington, DC, Semester Externship
Program

jconti@nelp.org

Fred Jacob

Adjunct Professor

Washington, DC, Semester Externship
Program

fbjacob@gmail.com

TABLE OF CONTENTS

Introduction	2
Statement of Educational Objectives	2
Summary of Academic Requirements	3
Externship Descriptions	3
Arranging an Externship.	5
Field Supervisor’s Responsibilities.	5
Conducting an Initial Meeting with the Extern	6
Assignments for the Extern.	7
Preventing Unauthorized Practice of Law.	7
Using Proprietary Research Products and Databases.	7
Assuring Externs’ Time is not Billed	8
Avoiding Partisan Political Activities and Lobbying	8
Providing Feedback	8
Addressing Potential Problems.	9
Sharing Your Suggestions for Enhancing the Externship Program	9
Nondiscrimination Policy.	9

APPENDICES

- A. Externship Objectives and Site Agreement
- B. Statement of Skills and Values from the ABA’s MacCrate Report
- C. Field Supervisor’s Evaluation Form

INTRODUCTION

Welcome to William & Mary Law School's Externship Program. Recognizing that supervision and mentoring of externs take considerable time and effort, we greatly appreciate your participation. You play an important role in our mission to educate students and to prepare them to be outstanding citizen-lawyers. We are confident that your involvement will be enjoyable and rewarding for you and our students.

This Handbook provides information about our externship program's objectives and requirements. We hope it will assist you in partnering with externs to assure a beneficial educational experience.

STATEMENT OF EDUCATIONAL OBJECTIVES

The Externship Program is conducted in compliance with [the American Bar Association's Standards](#) and [the Association of American Law Schools regulations](#). Those documents describe the experiential, academic, and instructional requirements that law schools and students must meet to secure ABA and AALS approval.

A student may not earn externship credit and compensation for the same period of time with the same organization. This rule permits unpaid, credit-bearing hours for part of a semester and compensation for hours completed during another part of the semester. Credit-bearing and compensated hours may not be commingled, however. A student must complete all externship credit hours before starting compensated hours, or vice-versa. This policy permits the field supervisor's organization to reimburse a student for reasonable externship-related expenses (e.g., mileage, gas, public transportation, parking, copying, printing, meals).

William & Mary Law School offers externships for J.D. students who have completed at least one full academic year and for LL.M. students who have completed at least one full semester. J.D. students who have completed at least two full academic years and who have a cumulative GPA of at least 3.0 are also eligible for the Washington, DC, Fall Semester Externship.

Externships are educational experiences that complement traditional classroom learning. They aid in enhancing skills in research, problem solving, and written and oral communication; exercising professional and ethical responsibilities to clients and the legal system; learning about different practice settings; and developing other professional skills needed for competent and ethical participation as a member of the legal profession. Externships also offer potential for client contact, writing samples, and exposure to a broad range of substantive and procedural law.

Externs are not necessarily entitled to a job at the conclusion of an externship.

Learning under the instruction of a licensed attorney, judge, legislator, certified mediator, or an individual otherwise qualified to supervise, externs forge a link between theory and practice. They apply classroom knowledge to resolving actual problems and establish mentoring

relationships with field supervisors. In certain instances externs may be permitted to engage in supervised practice of law under the [Supreme Court of Virginia's Third-Year Practice Rule](#).

SUMMARY OF ACADEMIC REQUIREMENTS

Each credit requires 40 externship hours assisting your organization. Hours must be spread over at least five weeks. Externs also attend classes, submit journals, and prepare a final report; time devoted to those activities and travel to/from the externship site do not count toward the 40 hours per credit. Externships are graded Pass/Fail. The number of Honors grades cannot exceed 10% of enrolled students under any circumstances.

Placements in which the extern's role is primarily or exclusively observational will not be approved. To be approved, at least 75% of the extern's hours must be non-observational (e.g., research; writing; client/witness interviews; constituent relations; preparation for/conducting hearings, trials, and appeals). To count toward the 25% maximum observation hours, the observation must include substantive, reflective discussion between the extern and Field Supervisor.

Moreover, at least 75% of the extern's total hours must be completed at the externship site, in court, or at client sites.

In addition to completing the specified number of hours, externs submit journals and a final report. Externs attend mandatory classes. Summer externs submit two additional journals in lieu of classes. Because students' journals and reports include candid reflections about their externships – but do not include confidential client information – field supervisors cannot review journals or reports.

EXTERNSHIP DESCRIPTIONS

William & Mary offers the following externships. All externships are offered during summer, fall, and spring semesters and are eligible for 1, 2, or 3 credits per semester, except the Washington, DC Fall Semester Externship, which is fall-only and is a 12-credit externship.

Externships with partisan political organizations, involving partisan political activities, or involving lobbying are not eligible for externship credit. Externships with U.S. private, nonprofit organizations with IRS status other than 501(c)(3) status are not eligible for externship credit.

Federal Government Externship with executive or legislative agencies, Congressional committees, and members of Congress.

Judicial Externship with judges, hearing officers, courts, and organizations that provide research, educational, and management services to judges and courts.

Nonprofit Organization Externship with civil legal services/legal aid organizations and U.S. private, nonprofit, 501(c)(3) organizations. Organizations outside the U.S. qualify if they are nonprofit organizations that would qualify for 501(c)(3) status if they were U.S. organizations. Externships with U.S. private, nonprofit organizations with IRS status other than 501(c)(3) are not eligible.

Private Practice/In House Counsel Externship with solo practitioners, law firms, and in-house law departments of corporations and trade associations.

Prosecutor Externship with state and local prosecutors.

Public Defender Externship with federal, state, and local public defenders.

State/Local Government Externship with state or local government agencies and offices, such as city/county attorneys; attorneys general; executive or legislative agencies; and state legislators. Placements with prosecutors and public defenders are covered by their respective externships described above.

U.S. Attorney Externship with the civil or criminal divisions of U.S. Attorney offices.

Virginia Attorney General Externship with the divisions and sections of that office.

Washington, DC, Semester Externship (12, 13, or 14 credits, 3Ls only) with federal, state, and local government agencies; courts/judges; prosecutors; public defenders; legal aid offices; solo practitioners; law firms; in-house law departments of corporations and trade associations; or 501(c)(3) organizations in Washington, DC, or its Virginia or Maryland suburbs.

ARRANGING AN EXTERNSHIP

Arranging an externship is a five-step process:

- (1) The student contacts an organization from among the Law School's pre-approved externships, from a referral provided by the Associate Dean, or from the student's own network. Regardless of the method of contact, the organization determines the application process and selects the extern. The Law School does not select externs for Field Supervisors.
- (2) When the organization selects an extern, the Field Supervisor and extern complete an Externship Objectives and Site Agreement (EOSA). The student will provide the EOSA to you. The Statement of Skills and Values from the ABA's MacCrate Report is included as an appendix to this Handbook; the Statement of Skills and Values may be helpful in formulating the extern's objectives.

- (3) The student registers for the Externship course.
- (4) The extern submits the completed EOSA to the Associate Dean for approval.
- (5) A representative of the Law School's Externship Office approves the EOSA.

FIELD SUPERVISORS' RESPONSIBILITIES

Field Supervisors are an essential part of the extern's education and professional development. Field Supervisors should have sufficient experience, training, authority, and availability to assure that externs have meaningful opportunities to participate in activities that will enhance their knowledge and professional development, to receive substantive assignments, and to get meaningful instruction and feedback. The following information is offered to help achieve these goals.

Students may not extern for a field supervisor to whom they are related. Nor may a student extern for a field supervisor with whom the student has a relationship that potentially could affect the supervisor's ability to objectively and impartially supervise/evaluate the student, even if the relationship does not actually affect the supervisor's ability to do so.

To assure consistent compliance with ABA, AALS, and William & Mary policies, field supervisors may not modify course requirements or academic policies or read students' journals or reports.

A. Conducting an Initial Meeting with the Extern

It is important that the field supervisor conduct an initial meeting with the extern before the extern starts. We request that you cover the following items, as well as others you deem important for your office:

- What is the overarching mission of your office? An explanation of your mission, services, clients, and office structure will provide a context for the extern's experience and for classroom discussion.
- If your entity is a private nonprofit organization or a government agency, what are the funding sources?
- How will you and the extern mutually assure that the objectives in the Externship Objectives and Site Agreement will be achieved? Setting up a schedule of periodic meetings will help to assure the objectives are met or to modify the objectives if necessary.
- What will the extern's schedule be? What is your office's inclement weather policy? Which meetings, proceedings, or other events should the extern plan to attend? There may be days of the week or times of day that will be best for meeting your and the extern's objectives. We realize that not everything may be scheduled in advance, but the more that

can be set ahead of time, the better you and the extern will be able to plan. The extern will want to know how and to whom to communicate if illness or other unanticipated absence conflicts with the agreed upon schedule.

- What are your expectations for confidentiality and professional responsibility? We and our students take very seriously matters of professionalism, ethics, and integrity. Externs are expected to abide by your jurisdiction's Rules of Professional Conduct; please remind them of that expectation.
- What is the "chain of command"? Understanding lines of authority will help the extern seek guidance for prioritizing assignments and determine whom to contact if you are unavailable.
- Which of your office colleagues should the extern meet? Introduction to others in the office will allow the extern to feel part of your team.
- How will timely, constructive, specific feedback be provided for each assignment? Scheduling periodic meetings will help assure that the extern receives appropriate feedback. Please refer to "Providing Feedback" below for additional information.
- When will midpoint and final evaluation meetings occur? Who will conduct them?

B. Assigning Projects to the Extern

Externs are happy to pitch in to meet your office's needs. It is important, however, that the vast majority of externs' experience be substantive (e.g., researching, writing, interviewing clients and witnesses, drafting documents, assisting with discovery, or analyzing legislation). Please ensure that administrative support be minimized and incidental to the extern's substantive experiences.

When you make assignments, please inform the extern about office resources (e.g., templates, brief banks, specialized research tools), format of the final product (oral vs. written, formal vs. informal, draft vs. final version), and due date. That will enable the extern to meet your expectations and to complete the assignment independently and with minimal supervision.

We also recommend that you provide the extern with some context for each assignment. The assignment may be focused (e.g., whether an agency relationship exists), but the underlying context may be broad (e.g., whether an employment discrimination claim is meritorious). Having that context will help the extern understand the practical impact of the assignment and how it fits into the big picture.

An extern may assist more than one member of your office. If someone other than the field supervisor assigns projects to an extern, the field supervisor should first approve the assignment to assure that it will fit into the extern's overall assignment load.

C. Preventing Unauthorized Practice of Law

Please be vigilant that the extern does not engage in the unauthorized practice of law (UPL). Generally, the extern will not engage in UPL if hours are completed under the direct supervision of a lawyer licensed in the jurisdiction in which the student is externing.

D. Using Proprietary Research Products and Databases

Externs are permitted to use proprietary research products and databases only if that use is consistent with the respective vendors' policies.

As of March 5, 2019, LexisNexis permits a student to use its services in unpaid, credit-bearing externships via the student's password.

As of March 5, 2019, Westlaw permits a student to use its services in unpaid, credit-bearing externships via the student's password. The externship must be with a nonprofit, non-government entity.

E. Assuring Externs' Time, Expenses, and Proprietary Research are not Billed

Externs' time, expenses, and use of any proprietary research products and databases cannot be billed to clients.

F. Avoiding Partisan Political Activities and Lobbying

Externs are not permitted to engage in partisan political activities or lobbying.

G. Providing Feedback

Our students are extremely talented, accomplished, and personable. They set very high standards for their educational and professional development. We, too, have very high standards for them. We expect all of our students to be reliable, responsive, courteous, respectful, and professional. Their final product always should be first-rate. We know that you share these standards. Timely, specific, constructive feedback is essential for externs to meet your, their, and our standards.

Externs want and need feedback, both positive and corrective. Please provide feedback to the extern after the completion of each assignment.

It is also important that you conduct at least two evaluation sessions – one at the midpoint of the externship and another, final evaluation meeting at the conclusion of the externship. Discuss both the substance of the extern's assignment and the processes the extern used. Point out explicitly what the extern did well and areas for improvement. The form you will use to complete the final evaluation is available [here](#).

Having externs evaluate themselves is a useful way to initiate feedback. An extern’s self-evaluation provides an opportunity for you to build on the extern’s self-assessment. Self-assessment also encourages the extern to move through the learning process from completing projects to analyzing performance to identifying goals for future performance. In addition, this process reinforces a pattern of reflective thinking.

Field supervisors’ general statements such as “good job” or “you’ll do better with practice” – by themselves – do not help the extern to learn. Likewise, a “no news is good news” approach does not contribute to the externs’ educational/professional growth. Externs will learn best from timely, specific feedback and examples.

We recommend that you begin your feedback session with a general statement about the extern’s overall performance. Follow this general assessment with specific comments. For example, in discussing an extern-conducted client interview, a statement, “You developed a nice rapport with your client” would be more meaningful if supplemented with something like “You made the client comfortable when you said, ‘I can see that you are concerned about this, and I am going to do everything I can to assist you.’”

ADDRESSING POTENTIAL PROBLEMS

In virtually all externships, field supervisors and externs have beneficial experiences and enjoy a successful mentor/extern relationship. However, on rare occasions the externship does not go as smoothly as everyone would like. Please contact the Associate Dean as soon as you determine that you and the extern are not able to resolve a problem. Similarly, if an extern has a concern we ask that the student first contact you for resolution, absent compelling circumstances.

SHARING YOUR SUGGESTIONS FOR ENHANCING THE EXTERNSHIP PROGRAM

We welcome your ideas for enhancing the externship program’s procedures or substance. Please share your thoughts with us.

Thank you for the significant time, energy, and effort you devote to supervising William & Mary Law externs. We appreciate your participation in our shared educational mission.

NONDISCRIMINATION POLICY

Unless otherwise constrained by law, William & Mary is committed to providing an environment for its students and employees that is free from discrimination based on any personal factor unrelated to qualifications or performance such as, without limitation, race or color, citizenship, national origin or ethnicity, ancestry, religion or creed, political affiliation or belief, age, sex or sexual orientation, gender identity or expression, disability, marital status, pregnancy status,

parental status, height, weight, military service, veteran status, caretaker status, or family medical or genetic information, and harassment, including sexual harassment. William & Mary also provides reasonable accommodations for qualified individuals with disabilities as required by law.

In fulfillment of this policy, by using the services of William & Mary Law School's Externship Office, and by hosting a William & Mary extern, extern organizations acknowledge that their externship practices are consistent with this policy.

EXTERNSHIP OBJECTIVES AND SITE AGREEMENT

The student will complete a portion of the Externship Objectives and Site Agreement and email it to you. When you receive the agreement, please complete your portion after discussion with the student. Then email the form with your completed portion to the student. Adobe Reader is required to complete the form and can be downloaded [here](#). Please save the document to your computer before you complete it.

STATEMENT OF SKILLS AND VALUES FROM THE ABA'S MACCRATE REPORT

FUNDAMENTAL LAWYERING SKILLS

Skill § 1: *Problem Solving*

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: *Legal Analysis and Reasoning*

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: *Legal Research*

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: *Factual Investigation*

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: *Communication*

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: *Counseling*

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: *Negotiation*

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: *Litigation and Alternative Dispute-Resolution Procedures*

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: *Organization and Management of Legal Work*

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 Effectively Administering a Law Office.

Skill § 10: *Recognizing and Resolving Ethical Dilemmas*

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.

FUNDAMENTAL VALUES OF THE PROFESSION

Value § 1: *Provision of Competent Representation*

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: *Striving to Promote Justice, Fairness, and Morality*

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: *Striving to Improve the Profession*

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: *Professional Self-Development*

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.

WILLIAM & MARY LAW SCHOOL
FIELD SUPERVISOR'S EVALUATION OF EXTERN

The student will provide you with the due date for the Field Supervisor's Evaluation. The evaluation form is available [here](#). Adobe Reader is required to complete the form and can be downloaded [here](#).