

Report of Externship Director

To: Law School Faculty

From: Jane Heymann, Externship Director

Date: October 1, 2014

This report is being submitted to the Law School faculty pursuant to Rule 3.14(5) of the Law School Rules, which provides that “[e]ach year, the Externship Director shall prepare a report on fulfillment of the academic plans for all external clinical courses. . . . This report shall be made available to the faculty.”

Current Programs:

The Law School currently sponsors ten “external clinical courses” (courses that the ABA refers to as “field placement programs”). They are:

- 1 and 2: Prosecution Project and Defense Project. These are Remington Center programs for rising 3Ls.
3. Judicial Intern Program
4. Wisconsin Department of Justice Externship
5. Government and Legislative Law clinic.
6. Labor Law Externship
7. Domestic Violence Externship
8. Disability Rights Wisconsin Externship
9. Midwest Environmental Advocates Externship
10. Law Externship Program

A complete description of each of these programs was included in the Site Evaluation Questionnaire submitted to the ABA in February 2013 in preparation for the Law School’s reaccreditation visit. Copies of those descriptions are available upon request. All of these programs are “854” clinical courses that students may enroll in for between 1 and 7 credits.

ABA Requirements:

Externships are governed by ABA Standard 305, which establishes rules for “Study Outside the Classroom.” Standard 305 requires that externships be available only to students who have completed a year of law school, and that every field placement program must include “opportunities for student reflection on their field placement experience, through a seminar, regularly scheduled tutorials, or other means of guided reflection.” For that reason, all of the Law School’s externship programs either include a classroom component with periodic class meetings, or require students to write and submit periodic papers reflecting on their externship

experiences. A law school may not grant credit to a student for participation in a field placement program for which the student receives compensation.

Some relatively minor changes to Standard 305 were adopted as part of the amendments to the "Program of Legal Education" that the ABA adopted in August 2014. I will be reviewing our externship programs over the next few months to determine if any changes are required in order to comply with the latest requirements.

Enrollments in the externship courses during the 2013-14 year:

- 1) **Prosecution Project and Defense Project:** More than 40 students participated in these long-standing Remington Center projects during the most recently completed academic year. These externships are supervised by Profs. Michele LaVigne and Ben Kempinen.
- 2) **Judicial Intern Program:** This internship program has been operating for many years. During the 2013-14 year, the program was supervised by Prof. David Schultz and Prof. Ralph Cagle, but beginning in the fall of 2014 Jane Heymann assumed responsibility for supervising this program. The program places students in the chambers of trial and appellate judges, including the Wisconsin Supreme Court, the Wisconsin Court of Appeals, the Dane County Circuit Courts, the U.S. District Court in both Milwaukee and Madison, and the U.S. Court of Appeals for the 7th Circuit. During the fall 2013 semester, 35 students enrolled in this course; 31 enrolled in it during the spring 2014 term. Eleven students enrolled in this program during the summer of 2014 (several others chose to participate in the program on a strictly volunteer basis, without receiving academic credit).
- 3) **Wisconsin Department of Justice Externship:** During the fall 2013 term, 7 students enrolled in this externship program; during the spring 2014 term, 12 students enrolled. During the summer of 2014, five students enrolled for credit in this externship program, and several others worked there full time on a volunteer basis but did not enroll for credit because they didn't want to pay summer school tuition. Until May 2014, DOJ attorneys Frank Sullivan and Karla Keckhaver coordinated this program, which includes a weekly seminar at the DOJ. The program is now supervised by DOJ attorneys Chad Gendreau and Ann Peacock.
- 4) **Government and Legislative Law Clinic:** Eleven students enrolled in this clinic during the fall of 2013; 18 students enrolled during the spring 2014 term. This program does not operate in the summer. Typical placements are with state agencies such as the Wisconsin Legislative Council, the Wisconsin Department of Natural Resources, the Government Accountability Board, and the Wisconsin Office of the Commissioner of Insurance. Assistant Clinical Prof. Erin McBride supervises this program, assisted by Russ Whitesel. Students who enroll in this clinic also attend a weekly, one-hour seminar.

- 5) **Labor Law Externship:** The Labor Law externship course is supervised by Professor Carin Clauss. She places students at the NLRB or the EEOC in Milwaukee, or at the Wisconsin Employment Relations Commission in Madison. Occasionally students are placed at the U.S. Department of Labor in Chicago or other agencies where students would be exposed to employment or labor law issues. One student enrolled in this program in the fall of 2013.
- 6) **Domestic Violence Externship:** Students registering for this course are placed at End Domestic Abuse WI (formerly the Wisconsin Coalition Against Domestic Violence), and supervised by attorney Tess Meuer, attorney Morgan Young, or other staff attorneys at the organization. Two students participated in this externship program in the fall of 2013, and three students participated in the spring 2014 term. Staff attorney Morgan Young now teaches the Domestic Violence seminar that students externing at End Domestic Abuse are expected to take either before or during their externship at the organization.
- 7) **Disability Rights Wisconsin:** One student worked at Disability Rights Wisconsin during the fall 2013 and the spring 2014 terms through the DRW externship program. This program is now coordinated by Kit Kerschensteiner. A “Law and People with Disabilities” seminar is taught every other year by adjuncts who practice at DRW, and students who want to do an externship at DRW are encouraged to enroll in the seminar either before or contemporaneously with their externship.
- 8) **Midwest Environmental Advocates:** This externship program, which is usually supervised by Prof. Stephanie Tai, was supervised by Prof. Arlen Christensen during the 2013-14 academic year while Prof. Tai was on leave. Three students participated in this clinic during the fall 2013 term and one student enrolled during the spring 2014 term.
- 9) **Law Externship Program:** This is the most recent addition to the Law School’s externship programs. The Law Externship course, which was created after the faculty amended the Law School Rules in May 2011 to provide for the appointment of an Externship Director, allows students to obtain academic credit for externships at a broad range of government agencies and nonprofit organizations. Jane Heymann, the Law School’s Externship Director, supervises the program.

Any organization interested in hosting law student externs must complete and submit a four-page application describing the kinds of work a student would do, the reasons why the organization wants to host externs, who the supervising attorney would be, etc. A student must devote at least 45 hours of work at the field placement site, over the course of the semester, for each academic credit the student registers for.

Each supervising attorney, and each student extern, is given a handbook that describes the goals of the externship program, the Law School’s expectations, and the ABA’s requirements, and that gives students guidance about common ethical issues that might arise. Students must submit to the Externship Director periodic papers describing the

work they've been doing and the feedback they have received, as well as a final paper at the end of the semester, evaluating their externship and reflecting on the experience. Most students register for 3 or 4 credits. The Externship Director meets with each student individually at the beginning of the semester, and also checks in with each extern and each supervising attorney, mid-semester, to make sure the student's externship is progressing according to everyone's expectation. The Externship Director has made site visits to a number of our externship sites and will continue to do so. At the present time there is no weekly or periodic seminar or other classroom component in the Law Externship program.

In the fall of 2013, 17 students enrolled in the Law Externship course; in the spring of 2014, 23 students participated; and in the summer of 2014, 11 students completed externships through this program. The sites where they worked include the UW Hospital and Clinics Compliance and Privacy Department; the Office of the Governor; Clean Wisconsin; the U.S. Attorney's Office for the W.D. of WI; Gathering Waters Conservancy; the Freedom From Religion Foundation; the Dane County Corporation Counsel's Office; WARF; the UW-Madison Office of Administrative Legal Services; the Illinois Attorney General's Office; the Greater Wisconsin Agency on Aging Resources; the Missouri Public Defender's Office; the Wisconsin Public Defender's Office; the Federal Defender's Office in Madison; the Wisconsin Department of Public Instruction; the UW Hospital and Clinics Office of General Counsel; the Milwaukee Office of the Internal Revenue Service; and the U.S. Trustee's Office in Madison.

Placements at Corporate Legal Departments: The Law Externship course generally has permitted students to complete for-credit externships only at government agencies and nonprofit organizations. However, the ABA's rules governing field placement programs permit law schools to award academic credit to students who do externships at corporate legal departments and even at private law firms, as long as the student is not paid for his or her work. At least half of the law schools in the U.S. allow externships at in-house legal departments.

Pursuant to a pilot program allowing externships-for-credit at corporate legal departments, one of our students completed an externship at Tri-North Builders (in Verona) during the fall of 2013, and another student did a similar externship at Tri-North during the spring of 2014. In addition, in the summer of 2014, one student externed at the corporate legal department of Trupanion, Inc. in Seattle, and another student externed at S.C. Johnson's corporate legal department in Racine. This pilot program has not yet been finally evaluated, and could be either expanded, or discontinued, in the future. Even though the ABA permits externships-for-credit at private law firms, the law school has no intention of expanding the Law Externship program to permit this.

Placements Outside of Wisconsin: For a variety of reasons, including the demands and challenges of the current legal job market, many law schools have created externship programs that permit their students to do full-time, semester long externships at the D.C. headquarters or one of the regional offices of federal government agencies, or at national

nonprofit organizations. Most such agencies and organizations have externship programs that operate during the academic year as well as in the summer. Positions in these programs are highly sought after because they permit law students to obtain extremely relevant work experience, to create a network of professional contacts in the city in which they want to practice, and to be in a position to show a “demonstrated commitment” to a particular practice area, practice setting, or geographical area. These externships are highly competitive – far more law students apply than can be accommodated, and students must apply many months in advance of the semester when they would like to work at the organization – but they are much easier to obtain during the academic year than during the summer. In addition to being great learning experiences, these sorts of externships can lead to permanent jobs.

Because our students finish their first year of law school with 32 credits, and because many of them spend their 1L summer earning at least 7 additional credits by enrolling in one of the summer clinical programs, many of them begin their second year of law school having already completed 39 of the 90 credits they need to graduate. That puts many of them in a position to, if they desire, enroll for fewer than 15 credits during at least one semester of their 2L or 3L year. Therefore, it is entirely feasible for a UW Law School student to spend a full semester of his or her second or third year of law school in some other city, working full time in the legal department of a federal, state, or local government agency or a nonprofit entity, and to earn up to 12 credits while doing so (seven through the Law Externship course, and an additional five through some combination of Directed Research/Directed Reading or a special section of the Lawyering Skills course). We have a substantial number of alums who are government lawyers in DC and elsewhere who have offered to help our students obtain these externship positions and to assist in making sure the students have a valuable educational experience. We intend to make sure our students are aware of the availability of this sort of externship experience, and to disseminate information about such externships early in their second year of law school, so that they can plan accordingly and apply at the appropriate time to maximize their chances of being selected.

Several students have already completed externships at remote locations during the academic year at the Illinois Attorney General’s Office, at the EPA’s Chicago regional office, and at the Public Defender Service of the District of Columbia; and one student is currently externing full-time during the fall 2014 semester at the Legal Aid Society of New York. On my recent site visit to the Legal Aid Society of New York, I took the opportunity to also meet with lawyers at the Urban Justice Center and the New York City Law Department, to develop contacts at those organizations that I hope will be useful to students who may want to do school-year externships there in the future.