

# **Lewis & Clark Law School**

## **Externship Program Guide**

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# **LEWIS & CLARK LAW SCHOOL**

## **EXTERNSHIPS - PROGRAM GUIDE**

### **Overview:**

Lewis & Clark Law School offers students the opportunity to earn academic credits for a carefully supervised, well-crafted work experience through the Externship Program. The expectation is that students will be given a meaningful work experience, with a focus on student learning, in a field of law or work that enhances and builds on their classroom experience.

The educational objectives of the externship program are to:

- a) learn an area of substantive law or develop substantive expertise beyond the level offered in courses at the Law School;
- b) develop practical lawyering skills, including research, writing and analytical problem solving, in context; and
- c) build a direct understanding of a lawyer's professional responsibility.

### **The Process:**

To be approved to do an externship, students must meet the prerequisites (listed below), secure a placement, secure a faculty advisor (if required), and submit the required paperwork. The Externship Program is administered by the Associate Dean of Student Affairs.

### **Placements:**

While Career Services advertises numerous externship opportunities, students are also encouraged to develop their own externship placements. Externship placements can be with public interest organizations, governmental agencies, courts, in-house counsel, or private law firms. In all cases, an extern must be supervised by an attorney (or the equivalent for an international placement) authorized to practice law in the jurisdiction in which the externship will be done.

Extern On-Site Mentors should be prepared to provide a carefully supervised learning experience for the student. The Law School requires On-Site Mentors to sign a detailed Memorandum of Agreement and provide a letter detailing how they will provide the student an exceptional learning experience. In many ways, On-Site Mentors are stepping into the role of a faculty member for the term of the externship and are encouraged to view their role as such.

Private firm placements: please be sure to review the U.S. Department of Labor Wage & Hour Fact Sheet if you do not anticipate compensating the extern to ensure your planned placement meets the criteria. Please note that if the extern is not being compensated for their work, their time should not be billed to a client.

### **Our Externship Models:**

Lewis & Clark Law School offers flexibility in the number of credits/hours students may undertake for an Externship experience. Students must select from the following options when enrolling for semester and summer placements. If approved by the placement and legally permitted,<sup>1</sup> a student may work more than the designated hours for the option selected, but the additional hours will not receive academic credit; students choosing this option must inform the Externship Program Administrator in writing and complete special time-keeping requirements.

**Model 1:** a minimum of 104 total hours = 3 credits (2 for placement, 1 for class component)  
(during the academic semester, the hours will ideally be done 8 hours/week for 13 weeks)

**Model 2:** a minimum of 156 total hours = 4 credits (3 for placement, 1 for class component)  
(during the academic semester, the hours will ideally be done 12 hours/week for 13 weeks)

**Model 3:** a minimum of 208 total hours = 5 credits (4 for placement, 1 for class component)  
(during the academic semester, the hours will ideally be done 16 hours/week for 13 weeks)

**Model 4:** a minimum of 260 total hours = 6 credits (5 for placement, 1 for class component)  
(during the academic semester, the hours will ideally be done 20 hours/week for 13 weeks)

**Model 5:** a minimum of 312 total hours = 7 credits (6 for placement, 1 for class component)  
(during the academic semester, the hours will ideally be done 24 hours/week for 13 weeks)

**Model 6:** a minimum of 364 total hours = 8 credits (7 for placement, 1 for class component)  
(during the academic semester, the hours will ideally be done 28 hours/week for 13 weeks)

**Model 7:** a minimum of 416 total hours = 9 credits (8 for placement, 1 for class component)  
(during the academic semester, the hours will ideally be done 32 hours/week for 13 weeks)

**Model 8:** a minimum of 468 total hours = 10 credits (9 for placement, 1 for class component)  
(during the academic semester, the hours will ideally be done 36 hours/week for 13 weeks)

**Model 9:** a minimum of 520 total hours = 11 credits (10 for placement, 1 for class component)  
(during the academic semester, the hours will ideally be done 40 hours/week for 13 weeks)

**Model 10:** a minimum of 560 total hours = 12 credits (11 for placement, 1 for class component)  
(during the academic semester, the hours will ideally be done 40 hours/week for 14 weeks)

***All models require the class component, which is described in more detail on page 4.***

Students undertaking summer externships are allowed to fulfill the total number of required hours over a period of less than 13 weeks. For example, a student approved to undertake a Model 5 (7 credit) Externship may work 39 hours/week for 8 weeks to satisfy the placement component of the Externship.

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<sup>1</sup> Private employers should review the U.S. Department of Labor's Wage & Hour Fact Sheet to verify they meet the six criteria if they do not plan to compensate the extern.

### **Eligibility Requirements:**

For **Domestic/US Externships**, the following requirements must be met:

Models 1-5:

- (1) In good academic standing (see the “What’s What” for the guidelines on “good standing”); and
- (2) Completion of Lawyering I & II with at least a “credit” grade

Models 6-7:

- (1) 2.50 GPA or above;
- (2) Completion of either the WIE or Capstone paper; and
- (3) Completion of the class prerequisites for the type of proposed externship (see page 8 for types and class prerequisites)

Models 8-10

- (1) 2.80 GPA or above;
- (2) Completion of either the WIE or Capstone paper;
- (3) Completion of the class prerequisites for the type of proposed externship (see page 8 for types and class prerequisites); and
- (4) Faculty Advisor secured (a member of the regular law school faculty; adjunct faculty are not eligible)

For **International Externships**, the following requirements must be met:

Models 1-5:

- (1) 2.50 GPA or above;
- (2) Completion of Lawyering with at least a credit grade

Models 6-7:

- (1) 2.80 GPA or above;
- (2) Completion of either the WIE or Capstone paper; and
- (3) Completion of the class prerequisites for the type of proposed externship (see page 8 for types and class prerequisites)

Models 8-10

- (1) 3.00 GPA or above;
- (2) Completion of either the WIE or Capstone paper;
- (3) Completion of the class prerequisites for the type of proposed externship (see page 8 for types and class prerequisites); and
- (4) Faculty Advisor secured (a member of the regular law school faculty; adjunct faculty are not eligible)

Students planning to undertake Models 6-10 Externships during their final semester are strongly encouraged to complete both their WIE and Capstone papers in prior semesters.

**Transfer Students:** Students transferring to Lewis & Clark Law School after their 1L year will become eligible to undertake an Externship, if they otherwise meet the prerequisites listed above, after receiving grades from at least one semester at Lewis & Clark Law School. As a result, the earliest opportunity for a transfer student to undertake an externship will be their second semester at Lewis & Clark Law School.

**Visiting & LL.M. Students:** If a visiting student's home institution permits the transfer of Externship credits and the visiting student otherwise meets the prerequisites listed above, the visiting student will be approved to undertake an Externship. Likewise, an LL.M. student will be approved to undertake an Externship with the express permission of their LL.M. Program Administrator.

Faculty Advisors, for Models 8-10, will review weekly journals. In addition, the Faculty Advisor and/or Externship Program Administrator will maintain regular contact with the On-Site Mentor. Selection of faculty advisors should be done in coordination with the Externship Program Administrator.

### **Waivers of the requirements:**

The Law School encourages students to undertake experiential learning opportunities but also recognizes that off-campus Externships place students in unique learning environments. As a result, the Law School requires students to be well-prepared in order to increase the likelihood of a successful Externship experience. Eligibility requirements will only be waived in rare circumstances.

**GPA:** a waiver will be granted in only rare and extreme circumstances. Requests for waivers of the GPA guidelines will be decided by the Faculty Curriculum Committee.

**WIE/Capstone:** a waiver cannot be given for the requirement that one of the papers required for graduation be completed prior to undertaking a Model 6-10 externship.

**Class Prerequisites:** for Models 6-10, students may seek a waiver of a required course if the Extern's on-site mentor supports waiving the course. The Externship Program administrator must approve the course waiver.

Directions on seeking a waiver are available from the Externship Program Administrator.

### **Components of an Externship:**

**Placement:** students are required to work the specified number of hours for the model they select. Students will report the hours each week to the Externship Program Administrator. The placement component is graded on a credit/no credit basis.

**Class:** students must participate in a pre-placement class and a weekly on-line class, which will include submitting a Weekly Report that includes the number of hours worked, a journal reflection, and at least one assignment response. In the journals, externs are required to report on their interactions with their supervisors, types of assignments, and weekly progress on meeting the goals they set for their externship. The class component is graded on an Honors Pass, High Pass, Pass, Low Pass, and No Pass basis.

In order to receive credit for any credit for an externship, both portions – placement and class components – must be fulfilled.

**Start & End Dates:**

For fall and spring semester externships, the anticipated start date of all Externship Models is the first day of regularly scheduled classes. Fall and spring externships should conclude 13 weeks (or 14 weeks for Model 10) from the start date.

For summer externships, start and end dates are flexible as long as the required number of hours and weeks can be accomplished within the preferred timeframe.

**Application & Registration Process:**

In order to ensure that Externship placements are carefully planned and structured, the Law School requires students and supervisors to submit materials, which are carefully reviewed by the Externship Program Administrator before approval to Extern is granted. The decision on whether, and on what conditions, to approve an externship is made by the Externship Program Administrator. However, a request for a GPA waiver is decided by the Curriculum Committee.

Once approval is granted, students and the Registrar's Office will be notified via email. The Registrar's Office will then manually register the student for the approved number of Externship credits. Students cannot register for an Externship through WebAdvisor. Students will be notified, by the Registrar's Office once the registration process has been completed.

In order to gain approval to Extern, students must submit the following to the Externship Program Administrator:

1. Externship Brief
2. A 5-10 page writing sample
3. Transcript from WebAdvisor
4. Current class schedule from WebAdvisor
5. Resume
6. Release Form (see page 6 for more information)
7. On-Site Mentor Memorandum of Agreement, signed by the on-site mentor
8. On-Site Mentor Letter, drafted by the on-site mentor in response to the questions in the On-Site Mentor Questionnaire

AND complete the Externship Program Application Form (a link to the form will be provided to you by the Externship Program Administrator)

Once you have received an Externship offer, contact the Externship Program Administrator to (re)confirm your eligibility. Upon accepting the offer, notify the Externship Program Administrator who will provide you access to the Externship Program-specific documents listed above.

Deadlines for each semester, including summer, are well in advance of the semester start dates. Consult the Externship Program website for specific deadlines.

**Tuition & Financial Aid:**

Students undertaking Externships pay tuition as if they were registered for any other class. As a result, students normally eligible for financial aid should also be eligible when undertaking an externship. For summer Externships, it is best to secure the placement and gain approval as early as possible in order to have financial aid

available early in the summer. For questions regarding financial aid, contact the Student Financial Services Office, which is located on the College campus.

### **Externship Credit Limits:**

Students may count as many as 15 externship credits towards the total number of credits needed to graduate. Both the placement and class components of an externship are counted as “Experiential” credits. As a result, students undertaking externships should consider the total number of Foundational and Highly Specialized credits required for graduation when determining the number of Externship credits in which to enroll.

### **Law Review & Externships:**

Each of the Law Reviews has a policy regarding undertaking an Externship. Students must consult the Law Review’s bylaws and talk with the Editor-in-Chief (EIC) well in advance of applying for an Externship in order to understand the ramifications of undertaking an Externship as it relates to Law Review membership. For students undertaking a Model 9 or 10 Externship, the Externship Program Administrator must approve continuation on Law Review during the Externship semester and must notify the Registrar’s Office of approval before a student will be allowed to register for Law Review credits. The approval will be based on the student having a written (email) statement of support from the Law Review EIC and the Externship On-Site Mentor.

### **Releases:**

Students undertaking an Externship are required to sign either a domestic (U.S. based placements) or foreign (outside the U.S. placements) “Release and Agreement”. The form must be signed in hard copy by each Extern and returned to the Externship Program Administrator.

### **Evaluations & Regular Contact:**

Per ABA Standard 304(d), regular contact between the faculty members/law school administrator and the site supervisor is required to assure the quality of the student education experience, including the appropriateness of the supervision and student work. Accordingly, Lewis & Clark Law School requires:

- (1) The Externship Program Administrator, Faculty Advisors, and/or Externship Class faculty to maintain regular contact with the On-Site Mentor through:
  - a. Initial communication: Externship Program Administrator to inform the On-Site Mentor of the approval of the student’s Externship and the expectations of the Externship Program by providing the On-Site Mentor Handbook.
  - b. Mid-Semester communication: Externship Program Administrator to require a mid-semester evaluation of the extern’s performance, the supervisor’s interactions (frequency, types of discussions, feedback provided) with the extern, and goals for the remainder of the Externship. Based on the information received, follow-up to occur as deemed appropriate by the Externship Program Administrator.
  - c. End-of-Externship communication: Externship Program Administrator to require a final evaluation of the extern’s performance, evaluation of progression towards the goals set by the Extern and On-site Mentor, and soliciting feedback on areas requiring continuing development. Based on the information received, follow to occur as deemed appropriate by the Externship Program Administrator.
  - d. In-person, telephonic, or electronic “visits”: as deemed appropriate, based on the history with the placement and the reports of the current extern/OSM, the Externship Program Administrator,

Faculty Advisor and/or Externship Class faculty may make an in-person, telephonic, or electronic “visit” with the On-Site Mentor and/or Extern.

### **Repeat Placements:**

With permission, students may undertake **one** repeat externship in a placement where they previously externed. These repeat placements, called “Advanced Externships” can be done for 2-4 credits. Students undertaking an Advanced Externship must do weekly journaling and submit hours worked but will not be required to participate in the other aspects of the on-line class. Students may elect between these options:

2 credits: 8 hours/week for 13 weeks (104 total hours)

3 credits: 12 hours/week for 13 weeks (156 total hours)

4 credits: 16 hours/week for 13 weeks (208 total hours)

To request approval of an Advanced Externship, please contact the Externship Program Administrator at least 2 weeks prior to the commencement of the term in which you wish to enroll in the Advanced Externship.

### **Class Prerequisites for Externship Models 6-10**

Model 6-10 Externships are classified into types - students can choose to do one of the following types of Externships from the list below. If a proposed Externship does not fall into one of the following categories, it can be classified as a General Externship as explained below. It is imperative that you properly classify your Externship. For example, it is not appropriate to apply for a placement in an in-house corporate office and to classify that Externship as a “General Externship.” Be sure you consult with the Externship Program Administrator to ensure you have completed, or will complete, all the prerequisites.

#### **Business/Commercial Externship**

A business/commercial law Extern works under the direct supervision of an attorney in a corporate counsel’s office, in a government agency, on a legislative committee, or in an organization active in business/commercial litigation or practice. A tax extern may work at the state or federal tax court, in a law firm, corporation, or an accounting firm (under the supervision of an attorney).

Course Pre-requisites: Students are required to take at least one basic and one advanced course in subjects directly related to the placement proposed. The Business Law Faculty highly recommends that students pursuing specialized Externships in the following areas take these pre-requisite courses:

Tax: Income Tax I; a minimum of two additional graded academic credits in the tax field; plus substantial law school experience in tax research and writing

Intellectual Property: Two of the following: Intellectual Property Survey; Copyright Law; Patent Law; Trademark Law

Corporate Counsel/General Corporate: BA I, and any of the following: Advanced Contracts: Sales & Leases, BA II; Securities Regulation; Secured Transactions; Antitrust; Contract Drafting Seminar. If a student wishes to work in a corporate counsel’s office and focus on a particular area of law, the student should take BA I and at least one



basic and one advanced course in the specialized area. (For example, if the student will focus on Employment law, the student should take Employment Law I and any Employment Law upper division courses  
Employment: Employment Law I, and any one the following: Employment Discrimination; Employment Law II; Labor Law

### **Criminal Justice Externship**

A criminal justice Extern works under the direct supervision of an attorney in a state or federal prosecutor's office, a public defender organization, or another agency engaged in criminal law work. The ideal Externship placement would allow the Extern to perform the duties of a lawyer in prosecuting or defending cases from the pre-trial through the appellate stage, including the opportunity to handle personally a complete jury trial. However, understanding that the ideal is not always attainable, placements must assure the Curriculum Committee that the Externship student will:

1. Regularly perform the duties of a lawyer for two or more phases of criminal trial and appellate work;
2. Have actual client (or, for prosecutors, witness) contact, court appearances, and responsibility for drafting motions, memoranda, appellate briefs, or other significant written work;
3. Have comprehensive, intensive training in the aspects of trial.

Course pre-requisites: Criminal Procedure I; Constitutional Law I; Criminal Law I; Evidence. In addition, Criminal Procedure II is highly recommended.

### **Environmental/Natural Resources Externship**

An environmental Extern works under the direct supervision of an attorney in a government agency, a legislative committee or an organization; the focus of the work is environmental/natural resources litigation or administrative practice.

Course pre-requisites: Administrative Law, Environmental Law

### **Judicial Externship**

A judicial Extern works for a federal judge, a state appellate court judge, or a state trial court judge occupied in complex litigation. The Extern is expected to be utilized for such activities as researching and writing bench memoranda; drafting opinions; attending pretrial, status, settlement and other conferences between the judge and attorneys; drafting jury instructions; fulfilling the duties of a courtroom clerk; and other substantive legal duties.

Course pre-requisites: Absent extraordinary circumstances as set forth in the Externship application, the student must have completed Constitutional Law I; Criminal Procedure I; and at least one of the following: Evidence, Federal Courts, Constitutional Law II, Criminal Law I, Criminal Procedure II, Administrative Law, or Trial Advocacy.

### **International Law Externship**

An international law Extern works under the direct supervision of an attorney in an international organization, international court, trade association, government agency or legislative body, or corporate counsel's office, involved in the conduct of public international law or international trade and business law. The supervising

attorney must be a lawyer or judge who understands the United States legal education system and the unusual role of an Externship.

Course pre-requisites: International Business Law or Public International Law and at least 2 additional credits in international law subjects. Independent study may be used to complete this prerequisite.

### **Public Interest Externship**

A public interest Extern works under the supervision of an attorney in a legal non-profit organization which either works on behalf of traditionally underrepresented individuals or on causes for the greater good. The work can include traditional legal advocacy, policy, and lobbying. Externship placements qualifying for another Externship Type (e.g., Environmental, Criminal, etc.) must be classified in the more specific type and meet the pre-requisites of that type.

Course pre-requisites: At least one Level 1 and one Level 2 class of the Public Interest Certificate courses, which can be found in the Public Interest Certificate Program Guide.

### **General Externship**

General Externships are available for placements outside the designated categories, above. The applicant must describe the proposed placement in detail (including the specific activities anticipated for the Extern) and convince the Curriculum Committee that the placement will provide substantial training in substantive law and in legal skills. Regardless of the type of organization involved in the placement, the Extern must be working under the direct supervision of a lawyer.

Course pre-requisites: At least one basic and one advanced course in subjects directly related to the placement proposed.