

APPENDICES

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APPENDIX A

**UNIVERSITY OF NEBRASKA COLLEGE OF LAW
EXTERNSHIP PROPOSAL APPLICATION**

Name: _____ Date: _____

Class Year (Circle One) 2d Year 3d Year

Externship Proposal for: Fall Spring Summer _____ Year

Number of credit hours for Externship: _____

Describe the Proposed Externship:

State how the Externship will contribute to your educational experience. Please describe the duties or activities that you expect to perform as an extern.

What are the starting and ending dates for the Externship?

Start date: _____

End date: _____

Who will be the on-site supervisor for your externship?

Name of On-Site Externship Supervisor: _____

Contact Information: _____

Has the on-site externship supervisor received a copy of the Externship Program Policy (including all Appendices)? Yes No

Does the on-site externship supervisor have a Juris Doctorate degree? Yes No

If no, additional documentation may be required to demonstrate that the proposed externship complies with the educational goals and requirements of the Externship Program Policy.

Is the externship at a private sector for-profit employer? Yes No

If yes, please attach a separate statement signed by the individual who will be your on-site externship supervisor explaining how the externship will comply with the requirements of the federal Fair Labor Standards Act. Consult Appendix H of the Externship Program Policy for further information.

I know that I need to register for these Externship hours (Law 792) in MyRED. Yes No
(Registration number can be found in the Registration Materials for the appropriate semester.)

Please attach the completed On-Site Externship Supervisor Agreement with your Externship Proposal Application.

Required Signatures:

Student

On-Site Externship Supervisor

Faculty Supervisor

Assistant Dean

Date

APPENDIX B

**UNIVERSITY OF NEBRASKA COLLEGE OF LAW
ON-SITE EXTERNSHIP SUPERVISOR AGREEMENT**

Name of Student Extern: _____

Semester and Academic Year: _____ Credit Hours: _____

Name of On-Site Externship Supervisor: _____

Externship Placement: _____

Office Address: _____

Telephone & E-Mail Address: _____

Name of Faculty Supervisor: _____

Telephone & E-Mail Address: _____

Please review and sign below:

As the On-Site Externship Supervisor for the Student Extern, I acknowledge and agree as follows:

1. I have reviewed the University of Nebraska College of Law Externship Program Policy (including the Appendices) and agree to comply with the educational goals and administrative requirements stated therein.
2. I understand that the purpose of the Externship Program is to allow the student to develop his or her professional legal skills in an applied setting.
3. I agree that the student will be given assignments that are consistent with the educational goals of the Externship Program. Student assignments will be as challenging as the student can reasonably handle. The student will be given feedback on assignments at regular intervals during the semester.
4. I acknowledge that the required working time for the student will be 42.5 hours for each hour of externship academic credit for which the student has registered.

Signature of On-Site Externship Supervisor

Date

APPENDIX C

**UNIVERSITY OF NEBRASKA COLLEGE OF LAW
EXTERNSHIP EDUCATIONAL PLANNING FORM**

Student Name: _____

Name of On-Site Externship Supervisor: _____

Telephone and E-Mail Addresses: _____

Externship Placement: _____

Name of Faculty Supervisor: _____

Telephone and E-mail Addresses: _____

Semester and Academic Year: _____ Credit Hours: _____

The purpose of this form is to assist the student and the on-site externship supervisor in the discussion and formulation on of mutual educational goals for the semester and to think about mechanisms for achieving those goals. Please review and complete this form together at the commencement of the externship and return it to the faculty supervisor. **As part of completing this form, the on-site externship supervisor should explain the policy and practices regarding client confidentiality that may apply to the student's work during the externship.** Your signatures acknowledge that this discussion has taken place. This form must be completed and returned to the faculty supervisor no later than one week after the starting date for the externship listed on the original Externship Proposal Application for this field placement.

1. Please describe briefly the student's three primary educational goals to be derived from this externship experience.

Goal 1: _____

Goal 2: _____

Goal 3: _____

2. Please describe possible mechanisms to achieve the student's educational goals.

Goal 1: _____

Goal 2: _____

Goal 3: _____

3. (To be completed by the student extern) Please describe your present areas of strength and weakness in legal skills (e.g., research skills, writing, issue identification, reasoning, oral advocacy, interpersonal skills, etc.). What skills would you like to improve during your externship?

Signature of Student Extern: _____

Signature of Externship Supervisor: _____

Externship Starting Date: _____

Date of Discussion: _____

Date Received by Faculty Supervisor: _____

**APPENDIX D
STUDENT EXTERN DAILY LOG/TIMESHEET**

Please complete and send this timesheet to your faculty supervisor. Suggested descriptions of externship activities are listed below. **Please maintain client confidentiality as required by the policy and practices of your externship placement in completing this log.**

STUDENT NAME:	DATES: _____ to _____
EXTERNSHIP PLACEMENT	

Date	Number of Hrs.	Description of Work Performed (Please type or write legibly)
Mon.		
Tues.		
Wed.		
Thurs.		
Fri.		

Suggested Descriptions of Externship Activities:

- Document review
- Research
- Draft
- Revise
- Correspondence/e-mail with (specify)
- Discussion with (specify)
- Assessment/evaluation by (specify)
- Participate in negotiation/mediation
- Observe negotiation/mediation
- Fact investigation and case development
- Meeting with (specify)
- Telephone conference with (specify)
- Participate in court/administrative proceeding (specify)
- Observe court/administrative proceeding

Signature of Supervisor

APPENDIX E

ON-SITE EXTERNSHIP SUPERVISOR'S EVALUATION OF EXTERN

Name of Student Extern	
Name of On-Site Externship Supervisor	
Externship Placement	
Supervisor Telephone & Email	
Semester and Year	
Date of Evaluation	

Assessment Categories		
Exemplary (Practice Ready)	Competent	Developing
<p>Excellent work for a law student – on a job, the student could perform well with minimal supervision.</p> <p>As applied to the professionalism component of this evaluation, the student acted in a manner that comports with the level of professionalism you would expect of an attorney working in your office.</p>	<p>Proficient work for a law student – on a job, the student would need some input from a supervising attorney before the student was ready to represent clients.</p> <p>As applied to the professionalism component of this evaluation, the student acted in a manner that you would expect of a law student but would need to increase the level of professionalism if working as an attorney.</p>	<p>Work needs additional content or skills to be competent – on a job, the work would not be helpful and a supervising attorney would need to start over or fix mistakes.</p>

Name of Student				
Research and Analysis	N/A	Exemplary	Competent	Developing
<p><i>Legal Research Skills:</i> found correct sources; stated relevant law from appropriate authorities.</p>				
<p><i>Legal Analytical Ability:</i> correctly identified and analyzed legal issues based upon relevant law and policy; made appropriate comparisons and distinctions to the case at hand based upon the applicable law and policy.</p>				
<p><i>Problem Solving Skills:</i> identified the relevant facts and issues and explored all potentially viable options given the facts, issues, and law.</p>				
<p><i>Transactional Drafting:</i> drafted agreements carefully, used proper word choice, and edited to ensure that agreements accurately reflected the parties understandings.</p>				
<p><i>Factual Research Skills:</i> identified and used the appropriate factual research skills.</p>				
<p><i>Organization of Written Work:</i> clearly and logically organized and easy to follow.</p>				
<p><i>Writing Style:</i> used clear, concise, active language and had few if any grammatical errors or typos.</p>				

Name of Student				
Oral Presentation	N/A	Exemplary	Competent	Developing
<p><i>Use of Law and Facts:</i> used the relevant facts and law and made reasonable inferences and, where applicable, clearly explained the law and how it applied to the problem/case.</p>				
<p><i>Organization:</i> examination or presentation was structured logically, easy to follow, and had clear transitions.</p>				
<p><i>Wording:</i> used the active voice and persuasive language; avoided legalese; when examining witnesses, had appropriate use of leading and non-leading questions.</p>				
<p><i>Handling of questions:</i> answered questions with ease; elaborated and explained when answering all questions.</p>				
<p><i>Delivery:</i> tone, pacing, physical gestures, and voice modulation contributed to the presentation.</p>				

Name of Student				
Professionalism and Ethics	N/A	Exemplary	Competent	Developing
<p><i>Ethical Knowledge and Behavior:</i> identified and analyzed ethical issues and informed supervisor of such; observed client confidentiality and other ethical rules.</p>				
<p><i>Office Demeanor:</i> followed office procedures; kept regular and dependable hours; was punctual; acted in a professional manner while at the externship site.</p>				
<p><i>Time Management:</i> met deadlines; managed time effectively.</p>				
<p><i>Interaction with Others:</i> interacted effectively and respectfully with lawyers, clients, staff, adversaries, and other.</p>				
<p><i>Learning from experience:</i> asked appropriate questions; learned from feedback, critique, observations, and experience; reflected critically and honestly about own performance.</p>				

Name of Student: _____

For any area in which you marked “developing” as your assessment, please briefly explain.

Did the student produce any work that you felt was particularly superior or inferior? Please briefly explain.

What do you consider to be this student’s strengths?

What do you consider to be something this student should be working to improve?

**STUDENT EXTERN'S EVALUATION OF
ON-SITE EXTERNSHIP SUPERVISOR FORM**

Name of Student Extern	
Name of On-Site Externship Supervisor	
Externship Placement	
Name of Faculty Supervisor	
Semester and Year	
Date of Evaluation	

Evaluation of On-Site Externship Supervisor

Quality of Site Experience	Exceeded Expectations	Met Expectations	Did Not Meet Expectations
Quality of Assignments Given			
Total Number of Hours Expected			
Level of Supervision			
Helpfulness of Supervisor			
Accessibility of Supervisor			
Promptness of Feedback			
Usefulness of Feedback			
Supervisor as Role Model			

For each place you marked “did not meet expectations” or “not beneficial,” please briefly explain:

Was there anything about the externship you felt was particularly superior or inferior? Please briefly explain:

How can this externship be improved for future externs (workload, supervision, other)?

Additional comments:

Signature of Student Extern

Dated Received by Faculty Supervisor

APPENDIX F

GUIDELINES FOR EXTERNSHIP SUPERVISORS

The primary focus of the Externship Program is educational. The educational goals for the student extern include:

1. Furthering the development of research, writing and drafting skills
2. Exploring lawyering skills related to different areas of the legal profession
3. Enhancing oral advocacy and/or communication skills
4. Developing an understanding of professional responsibility
5. Reflecting upon the role of the lawyer in a particular area of the law, and more broadly, as related to societal issues

Confidentiality and Pre-Externship Educational Planning

Although your role as an externship supervisor will involve supervising the performance of legal tasks, your student extern can learn other invaluable insights from your observations about the legal system and the role of lawyers in that system. Your extern may have little or no prior legal work experience. We require student externs to reflect on a number of issues such as: (1) the relationships between attorneys and support staff, clients, other attorneys, judges, legislators, and members of the public; (2) work environment and outside pressures; (3) the relationship between the legal work and an attorney's personal goals and values; and (4) the ethical issues that may arise in the attorney's particular area.

We would like your student extern to discuss these observations with you. As a mentor to your student extern, you can add an enriching perspective to the student's observations by sharing your opinions about the legal system and the role of an attorney in your particular area. In addition to requiring a daily log of work activities, we require your student extern to reflect on the externship experiences in a written journal. The process of journal writing complements the process of reflection.

The journal entries will be reviewed by your extern's faculty supervisor, and it is therefore essential for you and your student extern to have a discussion at the beginning of the externship regarding your office's policies and procedures governing confidentiality for the written journal entries. This discussion regarding confidentiality rules should take place when you and your student extern complete the Externship Educational Planning Form..

Becoming a Member of the Legal Profession

As an externship supervisor, you provide students a wealth of opportunities to not only develop professional legal skills, but to experience and reflect upon the process of becoming a member of the legal profession. Part of becoming a professional is learning how a particular workplace functions. You and your extern should initially discuss:

- The function and structure of the agency, office, or organization
- The nature of the legal work and extern's role
- Relevant office policies and the chain of command
- Best methods for communication and scheduling meetings with you
- The student's normal work schedule (days and hours)
- Layout of the office and library and introduction to office personnel
- The student's workspace
- An explanation of the student's first assignment

Suggestions for Planning and Presenting Student Assignments

A key to a successful externship is the ability of the externship supervisor to give assignments to the extern effectively. When any project is assigned, it is important for the student to know exactly what you expect and to communicate clearly all aspects of these expectations. Please remember that your student extern may have little or no prior work experience in a professional office. Listed below are some checklist-type questions that you may find helpful in planning and presenting work assignments to your student extern.

1. Structure and explain the assignment with the relative inexperience of the student in mind.

- Give the assignment in writing whenever possible. This gives the student something to refer to after your assignment meeting.
- Discuss the basic objectives of the assignment or project with the student, including how many issues you expect the student to address. Explain how this particular assignment fits into the overall case or matter and how the assignment will accomplish your objectives.
- Provide the student with some guidance in terms of starting points for legal research to help focus the issue.
- Specify how you want the student's work product, including, how technically perfect you want the letter/memo/brief to be in terms of case citations, for example, and whether you want a rough draft, more polished draft and/or finished product.
- Specify how much time you expect the student to spend on the assignment, including time for research and drafting (keeping in mind that students are often inexperienced and require extra time for thorough research).
- Specify relevant due dates for drafts and the final product and how you want the student to check in with you for progress meetings. Make sure you and the student have communicated your schedules to each other so that progress meetings are accomplished as planned
- Make sure the student is aware of the format you require. If possible, provide the student with an example of the format of the memo, brief, letter etc., to assist the student in understanding your expectations.
- Tell the student who to ask for assistance if you are unavailable.
- Ask the student if he or she has questions (again, remembering that some students may be unfamiliar with the substantive area of law you are asking them to address).

2. Follow up regularly as the assignment progresses.

As students begin working on assignments, they often need additional and periodic help, assignment clarification, reassurance, or relief. Redefinition of the task is common as the student gathers information and gains a more precise understanding of the assignment. Given that interactions during this phase are frequently marked by informality and brevity, the importance of these exchanges can be easily overlooked. It is important for you and the student to keep to your scheduled progress meetings.

3. Provide feedback to the student on the completed assignment.

At the completion of an assignment, you should solicit student impressions about performance and convey your impressions about the performance on the assignment. Without periodic feedback, neither you nor the student extern can effectively evaluate his or her performance and make any necessary changes to result in a final product which closely resembles your goals for the assignment and provides your student with a sense of accomplishment. It may be helpful during these feedback sessions to periodically review the goals and methods listed on the completed Externship Educational Planning Form and to revise those goals and methods as necessary.

APPENDIX G

ABA STANDARD 305

ABA Standard 305. STUDY OUTSIDE THE CLASSROOM

(a) A law school may grant credit toward the J.D. degree for courses or a program that permits or requires student participation in studies or activities away from or outside the law school or in a format that does not involve attendance at regularly scheduled class sessions.

(b) Credit granted shall be commensurate with the time and effort required and the anticipated quality of the educational experience of the student.

(c) Each student's academic achievement shall be evaluated by a faculty member. For purposes of Standard 305 and its Interpretations, the term "faculty member" means a member of the full-time or part-time faculty. When appropriate a school may use faculty members from other law schools to supervise or assist in the supervision or review of a field placement program.

(d) The studies or activities shall be approved in advance and periodically reviewed following the school's established procedures for approval of the curriculum.

(e) A field placement program shall include:

(1) a clear statement of the goals and methods, and a demonstrated relationship between those goals and methods to the program in operation;

(2) adequate instructional resources, including faculty teaching in and supervising the program who devote the requisite time and attention to satisfy program goals and are sufficiently available to students;

(3) a clearly articulated method of evaluating each student's academic performance involving both a faculty member and the field placement supervisor;

(4) a method for selecting, training, evaluating, and communicating with field placement supervisors;

(5) periodic on-site visits or their equivalent by a faculty member if the field placement program awards four or more academic credits (or equivalent) for field work in any academic term or if on-site visits or their equivalent are otherwise necessary and appropriate;

(6) a requirement that students have successfully completed one academic year of study prior to participation in the field placement program;

(7) opportunities for student reflection on their field placement experience, through a seminar, regularly scheduled tutorials, or other means of guided reflection. Where a student can earn four or more academic credits (or equivalent) in the program for fieldwork, the seminar, tutorial, or other means of guided reflection must be provided contemporaneously.

Interpretation 305-1

Activities covered by Standard 305(a) include field placement, moot court, law review, and directed research programs or courses for which credit toward the J.D. degree is granted, as well as courses taken in parts of the college or university outside the law school for which credit toward the J.D. degree is granted.

Interpretation 305-2

The nature of field placement programs presents special opportunities and unique challenges for the maintenance of educational quality. Field placement programs accordingly require particular attention from the law school and the Accreditation Committee.

Interpretation 305-3

A law school may not grant credit to a student for participation in a field placement program for which the student receives compensation. This Interpretation does not preclude reimbursement of reasonable out-of-pocket expenses related to the field placement.

Interpretation 305-4

(a) A law school that has a field placement program shall develop, publish and communicate to students and field instructors a statement that describes the educational objectives of the program.

(b) In a field placement program, as the number of students involved or the number of credits awarded increases, the level of instructional resources devoted to the program should also increase.

Interpretation 305-5

Standard 305 by its own force does not allow credit for Distance Education courses.

APPENDIX H

REQUIREMENTS FOR EXTERNSHIPS WITH PRIVATE SECTOR FOR-PROFIT EMPLOYERS UNDER THE FAIR LABOR STANDARDS ACT

The United States Department of Labor has published a fact sheet providing general information concerning the potential application of the Fair Labor Standards Act to unpaid externships with private sector for-profit employers. This fact sheet is reproduced below for the convenience of employers who are considering an externship for students at the University of Nebraska College of Law.

Wage and Hour Division (WHD)
(April 10)
Fact Sheet #71: Internship
Programs Under The Fair Labor
Standards Act.

This fact sheet provides general information to help determine whether interns must be paid the minimum wage and overtime under the Fair Labor Standards Act for the services that they provide to “for-profit” private sector employers.

Background

The Fair Labor Standards Act (FLSA) defines the term “employ” very broadly as including to “suffer or permit to work.” Covered and non-exempt individuals who are “suffered or permitted” to work must be compensated under the law for the services they perform for an employer. Internships in the “for-profit” private sector will most often be viewed as employment, unless the test described below relating to trainees is met. Interns in the “for-profit” private sector who qualify as employees rather than trainees typically must be paid at least the minimum wage and overtime compensation for hours worked over forty in a workweek.*

The Test For Unpaid Interns

There are some circumstances under which individuals who participate in “for-profit” private sector internships or training programs may do so without compensation. The Supreme Court has held that the term “suffer or permit to work” cannot be interpreted so as to make a person whose work serves only his or her own interest an employee of another who provides aid or

* The FLSA makes a special exception under certain circumstances for individuals who volunteer to perform services for a state or local government agency and for individuals who volunteer for humanitarian purposes for private non-profit food banks. WHD also recognizes an exception for individuals who volunteer their time, freely and without anticipation of compensation for religious, charitable, civic, or humanitarian purposes to non-profit organizations. Unpaid internships in the public sector and for non-profit charitable organizations, where the intern volunteers without expectation of compensation, are generally permissible. WHD is reviewing the need for additional guidance on internships in the public and non-profit sectors.

instruction. This may apply to interns who receive training for their own educational benefit if the training meets certain criteria. The determination of whether an internship or training program meets this exclusion depends upon all of the facts and circumstances of each such program.

The following six criteria must be applied when making this determination:

1. The internship, even though it includes actual operation of the facilities of the employer, is similar to training which would be given in an educational environment;
2. The internship experience is for the benefit of the intern;
3. The intern does not displace regular employees, but works under close supervision of existing staff;
4. The employer that provides the training derives no immediate advantage from the activities of the intern; and on occasion its operations may actually be impeded;
5. The intern is not necessarily entitled to a job at the conclusion of the internship; and
6. The employer and the intern understand that the intern is not entitled to wages for the time spent in the internship.

If all of the factors listed above are met, an employment relationship does not exist under the FLSA, and the Act's minimum wage and overtime provisions do not apply to the intern. This exclusion from the definition of employment is necessarily quite narrow because the FLSA's definition of "employ" is very broad. Some of the most commonly discussed factors for "for-profit" private sector internship programs are considered below.

Similar To An Education Environment And The Primary Beneficiary Of the Activity

In general, the more an internship program is structured around a classroom or academic experience as opposed to the employer's actual operations, the more likely the internship will be viewed as an extension of the individual's educational experience (this often occurs where a college or university exercises oversight over the internship program and provides educational credit). The more the internship provides the individual with skills that can be used in multiple employment settings, as opposed to skills particular to one employer's operations, the more likely the intern would be viewed as receiving training. Under these circumstances the intern does not perform the routine work of the business on a regular and recurring basis, and the business is not dependent upon the work of the intern. On the other hand, if the interns are engaged in the operations of the employer or are performing productive work (for example, filing, performing other clerical work, or assisting customers), then the fact that they may be receiving some benefits in the form of a new skill or improved work habits will not exclude them from the FLSA's minimum wage and overtime requirements because the employer benefits from the interns' work.

Displacement And Supervision Issues

If an employer uses interns as substitutes for regular workers or to augment its existing workforce during specific time periods, these interns should be paid at least the minimum wage and overtime compensation for hours worked over forty in a workweek. If the employer would have hired additional employees or required existing staff to work additional hours had the interns not performed the work, then the interns will be viewed as employees and entitled compensation under the FLSA. Conversely, if the employer is providing job shadowing opportunities that allow an intern to learn certain functions under the close and constant supervision of regular employees, but the intern performs no or minimal work, the activity is more likely to be viewed as a bona fide education experience. On the other hand, if the intern receives the same level of supervision as the employer's regular workforce, this would suggest an employment relationship, rather than training.

Job Entitlement

The internship should be of a fixed duration, established prior to the outset of the internship. Further, unpaid internships generally should not be used by the employer as a trial period for individuals seeking employment as the conclusion of the internship period. If an intern is placed with the employer for a trial period with the expectation that he or she will then be hired on a permanent basis, that individual generally would be considered an employee under the FLSA

Where to Obtain Additional Information

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.