

Externships⁹: Coming of Age

Plenary I: How Far We Have Come & How Far We Need to Go

Participants:

Cynthia Batt, Stetson University College of Law

D'lorah L. Hughes, U.C. Irvine School of Law

Kate Kruse, Mitchell Hamline School of Law

Inga Laurent, Gonzaga University School of Law

J.P. "Sandy" Ogilvy, Columbus School of Law, CUA

University of Georgia
School of Law
Athens, Georgia
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A Concise History of Field Placements

Sandy Ogilvy

Externships – a Concise History

I. Reading the Law & Apprenticeships 1780 – 1830

1776 -- of 13 original states only one had no prescribed period of training

1800 – 14 of 19 jurisdictions required a definite period of apprenticeship

II. Decline of formal standards for Bar Admission 1830 – 1865

1840 – 11 of 30 jurisdictions required a definite period of apprenticeship

1860 – 9 of 39 jurisdictions required an apprenticeship

1878 – ABA founded; Committee on Legal Education & Admissions to the Bar

III. Rise of Law Schools – decline of practical training 1865 –

1890 – 23 of 39 jurisdictions require a formal period of study or apprenticeship

1900 – AALS founded

-- 102 law schools -- 12,516 students

1910 – 124 law schools -- 19,567 students

1917 – 36 of 49 jurisdictions required a formal period of study—either in law school or apprenticeship; 28 required a three-year period

-- 146 law schools -- 24,503 students

1928 -- In his second report on law schools, Reed noted that “[t]here is probably no other practical calling the preparation for which is so unrelievedly academic as that which is provided for American lawyers by most American law schools.”

1931 – Duke in-house clinic begun by John S. Bradway (to 1959)

III. Modern Clinical Legal Education 1960 –

1950s -- ~25 schools offered programs based on a legal aid model

1959 -- 35 law schools reported some form of clinic; 13 in-house

National Council on Legal Clinics (NCLC) – 1959-1965 grants totaling ~\$500K to 19 law schools

1965 – 1968 -- Council on Education for Professional Responsibility (COEPR) made grants to 21 law schools totaling approximately \$290,000. Half of these grants were for summer internships

1968 -- Council on Legal Education for Professional Responsibility (CLEPR) 1968 - 1980

first grant to Duke and NCC for jointly-sponsored project to fund summer internships with private practitioners and prosecutors for 10 Duke and 5 NCC law students;

CLEPR emphasis on encouraging in-house clinics

Credit-bearing clinical programs grew from 25 to 80 in CLEPRs first two years

1969 – ABA Standards first mentions legal aid clinic, law clerk and apprenticeships as additional means and methods of law training in addition to regular courses Std XIV (1969)

1973 – AALS Section on Clinical Legal Education created

ABA Std 304 explicitly mentions clinical work and Std. 306 mentions “studies or activities away from the law school”

1977 – Interpretation 1 of Std 306(c) lack of supervision by law school faculty to students working with practicing lawyers throughout the state does not conform with Std. 306(c)

1979 – Interpretation 1 of Std 306(c) adds no compensation for students participating in program for academic credit

- 1980 – AALS/ABA Committee on Guidelines for Clinical Legal Education
‘[t]he Committee’s majority position suggests that programs known as ‘farm-out’ clinics usually do not satisfy the Guidelines.”
- 1983 – California Out-of-House clinic conference
- 1986 – Interpretation 2-306 – specific criteria for evaluating externships added including classroom component and involvement of full-time faculty
- 1987 – AALS Clinical Section Externship Committee formed
- 1991 – Clinical Legal Education Association (CLEA) founded
- 1992 – McCrate Report issued
- 1993 – CLEA Externship Conference
Interpretation 2-306 amended to require law schools and Accreditation Comm to conduct more detailed review of externship programs listing nine factors
G.L.A.C.E. formed (Greater Los Angeles Consortium on Externships)
- 1996 – ABA std 306 renumbered 305
Much of previous I-306-2 raised into text of Std 305 and new sections (e) and (f)
- 1998 – Learning from Practice published
Externship Conference at CUA – Learning from Practice: Development in Externship Pedagogy
B.A.C. E. formed (Bay Area Consortium on Externships)
- 1999 – Lextern listserv created
- 2003 – Externships² Conference at CUA
- 2004 – Std. 305 amended
- 2005 – Std 305 amended
- 2007 – Carnegie Report and Best Practices published
- 2009 – LexternWeb created
- 2011 – CLEA Externship Committee created
W.C.L.E.E. formed (Washington Consortium for Law Externships)
- 2014 – Std. 305 major amendments
- 2016 – Stds amended – experiential education amendments

Twenty Years of Externship Conferences: Externships¹ (1998) — Externships⁹ (2018)

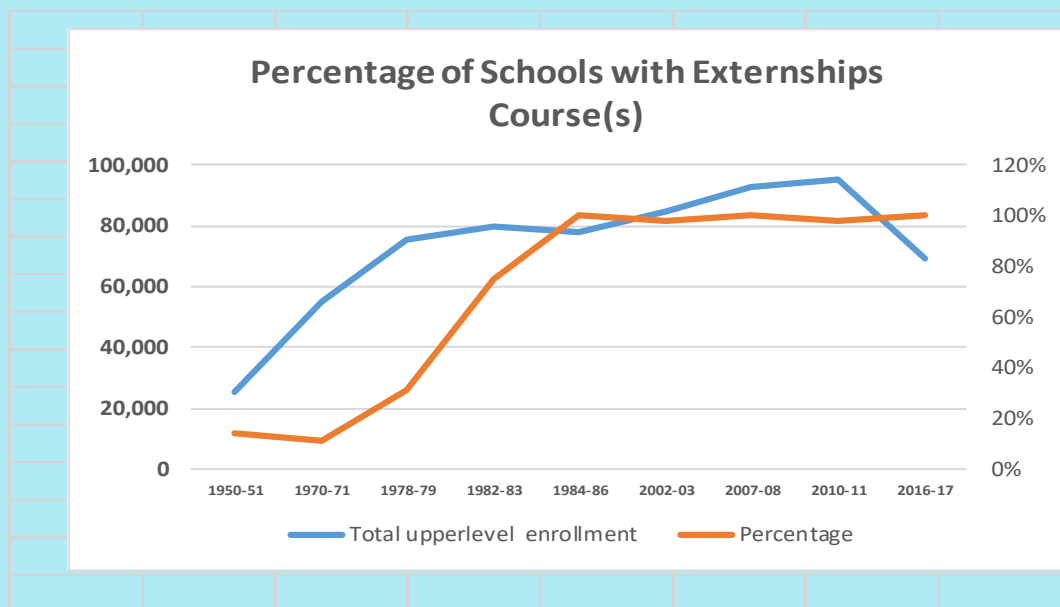


Historical Overview of Externships

- Era of Apprenticeships (1800 - 1900s)
- Era of Outside funding (1960s - 1980s)
- Era of Minimal ABA Regulation (1973 - 1986)
- Era of "Highly Structured" Regulation (1986 - 2015)
- Externships as a method of Experiential Education (2016 -

NUMBER OF SCHOOLS WITH ONE OR MORE EXTERNSHIP COURSES

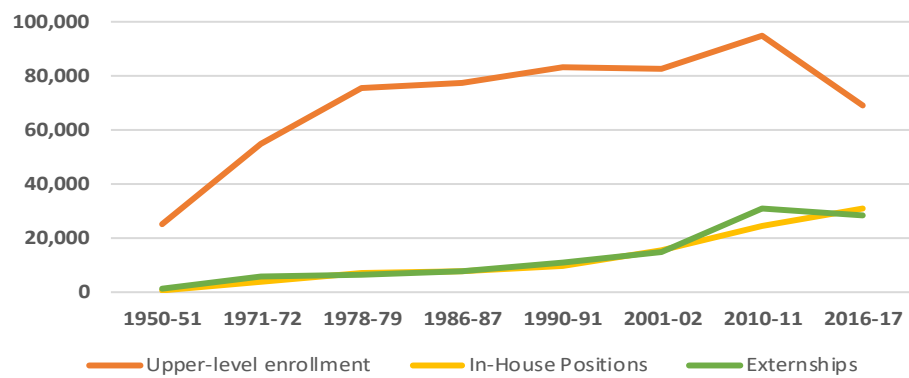
	Total upper-level enrollment	Schools reporting one or more externship courses	Percentage
1950 - 1951	25,164	16	14%
1970 - 1971	55,054		11%
1978 - 1979	75,670		31%
1982 - 1983	79,757	79	75%
1984 - 1986	77,618	143	100%
2002 - 2003	84,452	183	98%
2007 - 2008	92,637	190	100%
2010 - 2011	95,037	195	98%
2015 - 2016	69,263	203	100%



"Enrollment" in In-House and Externship courses

Year	Number of ABA-Approved schools/reporting	Total upper-level enrollment	In-house positions available/filled	Externship placements
1950-51	120	25,164	240 - 600	320 - 800
1971-72	147 /121	55,054	/3769	/5669
1978-79	167 /132	75,671	/6603	/6477
1986-87	175 /120	77,618	/7,547	/7,754
1990-91	175 /155	83,157	/9,343	10,695
2001-02	186	82,540	/15,385	14,857
2010-11	200	95,037	28,476 /24,090	30,765
2016-17	203	69,263	30,713	28,203

"Enrollment" in In-House and Externship Courses

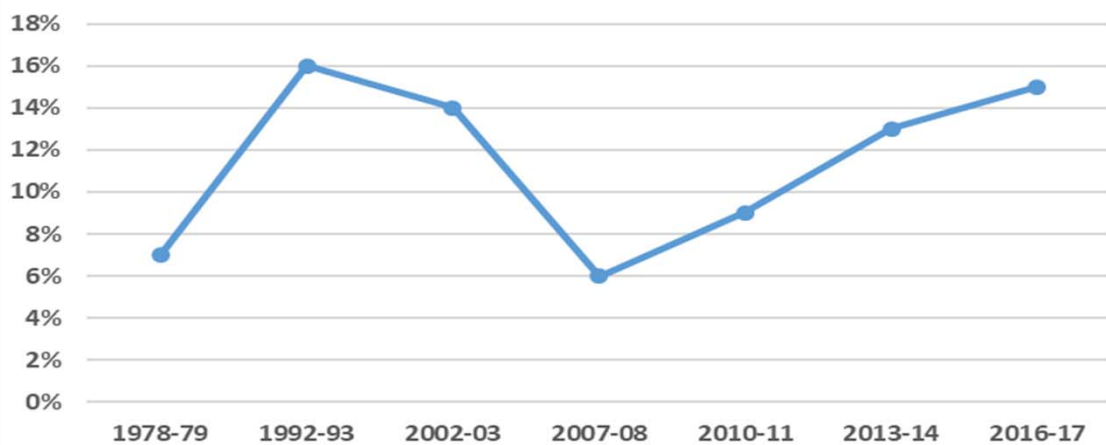


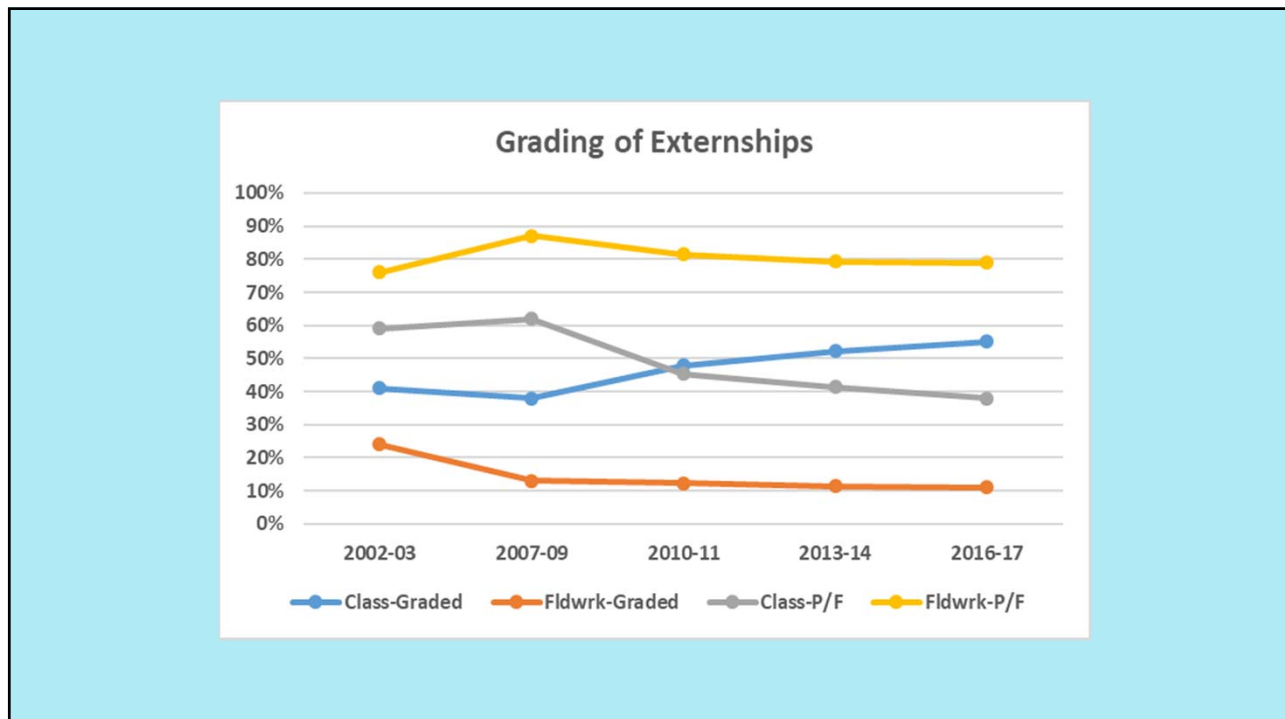
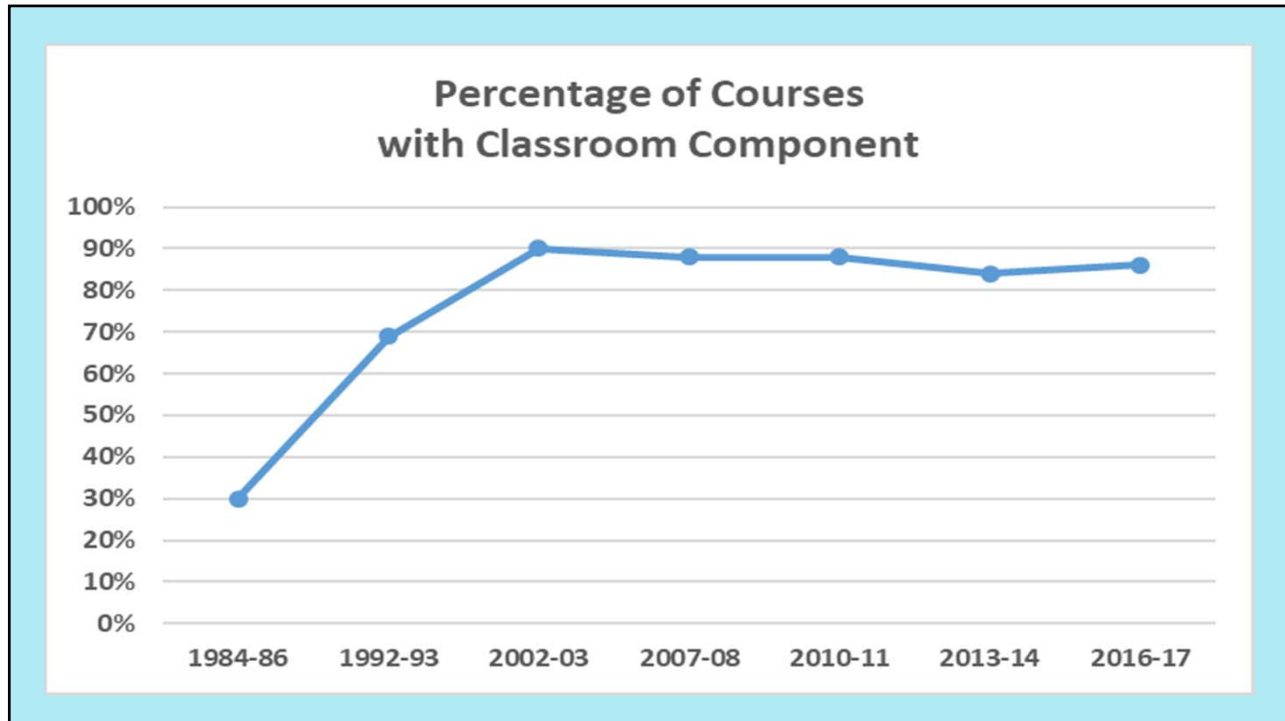


COURSES BY NUMBER OF CREDITS AWARDED

Credits - range	1 - 3	1 - 4	1 - 6	5 - 6	7 - 10	11 - 15
1978 - 1979						10 (7%)
1992 - 1993 schools=58 courses=98	54 (55%)		82 (83%)		16 (16%)	
2002 - 2003 schools=106 courses=264	179 (45%)	271 (68%)	339 (87%)	68 (17%)	32 (8%)	25 (6%)
Credits - fixed	3	4	5	6		
2007 - 2008 schools=73 courses=235	36%	18%	6.3%	7%		6.3%
						>11
2010 - 2011 schools=88 courses=165	32%	23%	10%			9%
2013 - 2014 schools=97 courses=170	20%	24%	5.3%	8%		13%
2016 - 2017 schools=145 courses=304	29%	17%	6%	6%		15%

Percentage of Courses Awarding 6 or more credits





FACULTY STATUS
HIGHEST STATUS PERSON INVOLVED IN THE FIELDWORK PROGRAM

Survey	Tenure	Tenure-Track	Clinical Tenure	Clinical Tenure-Track	Long-term K	Short-term K	Other
1984 – 1986		34%			2%	14%	50%
Judicial							
Non-judicial		50%			2%	7%	42%
2002 - 2003		54%			20%	13%	10%
2007 - 2008							
Teaching		24%		2%	17%	8%	49%
Directing		30%		4%	25%	8%	34%
2010 – 2011							
Teaching		33%		5%	17%	24%	21%
Directing		31%		3%	18%	17%	30%
2013 – 2014							
Teaching		35%		3%	22%	24%	17%
Directing		27%		3%	24%	22%	25%
2016 - 2017							
Teaching		27%		12%	31%	15%	15%
Directing		24%		12%	32%	15%	18%

Externship Conferences – 1980 - 2018

1980s

Supervisory Skills Training Conference

February 1 – 2, 1980

Pepperdine University, Malibu, CA

Noel Keyes, Pepperdine & Jayne Wolf Eldridge, Loyola, coordinators

Both in-house and extern supervisors participated. More than half of the 55 in attendance were volunteer supervisors in extern programs.

California Clinical Consortium Workshop

October 16 – 18, 1981

South Lake Tahoe, CA

Hosted by Southwestern University

Major topics included:

“Improving Field Placement Supervision: Program Design & Issues of Accountability,” Mark Stickgold, Golden Gate and Arnie Siegel, Loyola-LA

“Comparative Models of the Classroom Component for In-House and Off-Campus Placements,” Paul Bergman, UCLA, and Kandis Scott, University of Santa Clara.

Conference on Out-of-House Internships

March 11-12, 1983

University of San Diego, San Diego, CA

Janet Motley (Weinstein), California Western, coordinator

Participants from McGeorge, Golden Gate, USF, U.C. Davis, Southwestern, USD, and Cal. Western

Topics:

- 1) Selection criteria for internship placements
- 2) Supervision and quality control
- 3) Receiving pay and credit for internship work
- 4) Classroom components for internship courses. Participants shared their experiences in this area and brainstormed about new possibilities. This exchange of information was found to be valuable and the common conclusion was that such interchange on an on-going basis will play an important role in the development of these clinical programs. The participants have agreed to exchange course materials and to work together in this developmental process.

AALS Newsletter, June 1983, p. 10

1990s

CLEA Externship Conference

First Externship Conference about Planning and Delivering Daily Externship Programs

May 5 – 6, 1993

McLean, VA

Panel discussions and presentations on:

Setting appropriate goals

Implementing goals through

Classroom component
Faculty and non-faculty field supervision
Tutorials
Training of Field Supervisors
Understanding and meeting the latest ABA accreditation standards

Externships

Learning from Practice: Developments in Externship Pedagogy

The Catholic University of America
March 5 - 8, 1998
Washington, DC

2000s

Externships 2

Learning from Practice

The Catholic University of America
March 7- 8, 2003
Washington, DC

Externships 3

Learning from Practice: National Conference

March 24 - 25, 2006
Los Angeles, CA

Externships 4

A Bridge to Practice

February 15 - 16, 2008
Seattle, WA

2010s

Externships 5

Externships in Changing Times

March 4 - 6, 2010
Miami, FL

Externships 6

Preparing Lawyers: The Role of Field Placement

March 1 - 4, 2012
Harvard Law School & Northeastern University School of Law
Boston, MA

Externships 7

Scaling New Heights: Field Placements & the Reform of Legal Education

February 27 - March 2, 2014
University of Denver, Sturm College of Law, Denver, CO

[Externships 8](#)

Building on Common Ground: Externships, Clinics & Practice-Based Education

March 3 - 6, 2016

Cleveland-Marshall College of Law

Cleveland, OH

[Externships 9](#)

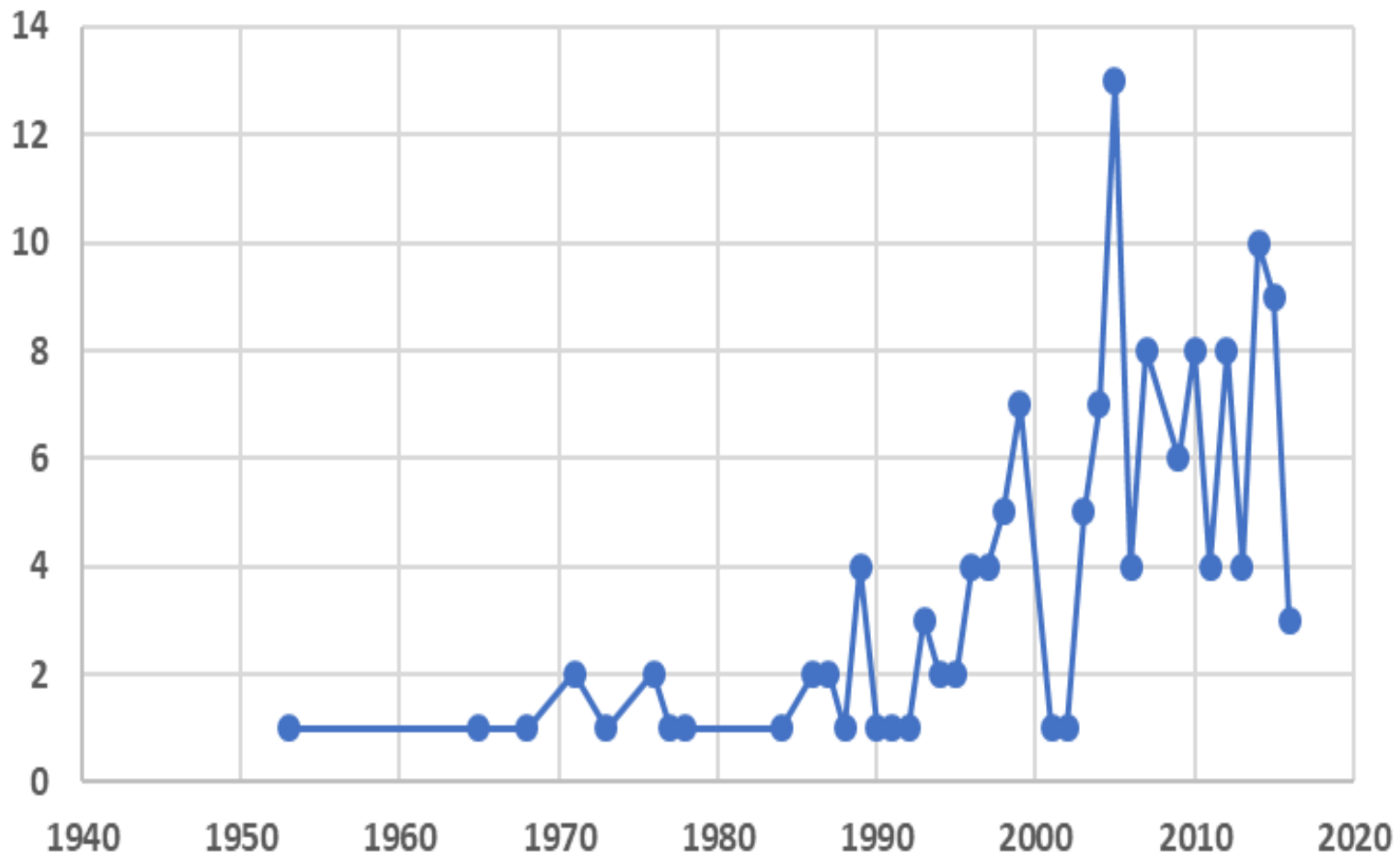
Coming of Age

March 9 - 11, 2018

University of Georgia School of Law

Athens, GA

Externship Articles and Books



Source: <https://www.dropbox.com/s/gt8vg9rey9fjyq2/LexternWebBibliography-11-16-16.docx?dl=0>

ABA Standards relating to Field Placement Programs – 1921 -- 2018

Year	Standard	Summary	Notes
1921	First four standards	Admission to bar after graduation from law school – at least 2 years of college; 3 years of full-time study or longer if part-time; adequate library; sufficient full-time teachers	ABA approved 67/80 full-time schools and 7/98 part-time by 1930
1969	20 Standards Standard XIV	Addressed additional means and methods of law training in addition to regular courses – listed activities included 1) law review; 2) legal aid clinic; 3) law clubs; 4) SBA; 5) student briefing service; 6) <i>part-time law clerk service to judiciary</i> ; 7) <i>sponsorship or apprenticeship system</i> ; 8) tutorial system	
1973	54 Standards Standard 304 explicitly mentions “clinical work” and “studies or activities away from the law school” in Std. 306	306(a) class hours must be commensurate with time and effort expended; (b) studies or activities must be approved in advance by established procedures; (c) review by faculty to insure educational objectives achieved; (d) at least 900 hours class time in actual attendance in regularly scheduled class sessions	
1977	Interpretation 1 of 306(c)	“lack of substantial supervision given by a law school faculty to law students working with practicing lawyers throughout a state does not conform with [Std. 306(c).”	Emphasized the need for faculty oversight
1979	Interpretation 1 of 306(c)	“[s]tudent participants in a law school externship program may not receive compensation for a program for which they receive academic credit.”	Sought to remove conflict of interest with firms looking to get money’s work rather than adequately supervising
1986	Interpretation 2-306	First time that specific criteria for externships were added	Dean Frank Walwer: “increasing concerns over the administration of externship programs” prompted a

			special meeting of the Council in fall 1986
1993	Interpretation 2-306 amended to require law schools and Accreditation Committee to conduct more detailed review of externship programs listing nine factors to be considered	(1)adequacy of instructional resources; (2) classroom component (3) prereqs for student participation; (4) number of stds participating; (5) amt of credit awarded; (6) eval of student achiev; (7) qualifications & training of field instrs; (8) eval of field instrs; (9) visits to placements I-2-306(d)	
	Interpretation 2-306(e) imposed six requirements for programs in which field supervisors were responsible for direct supervision of students	(1) student complete full year of study before participation; (2) periodic review of program by full-time faculty; (3) established and regularized communication among students, faculty and field instructors; on-site visit preferred; field instr participate with faculty in eval of students achievement; (4)review by full-time faculty to consider a)time devoted by student to placement; b)tasks assigned to student; c)selected work product of student; d) field instr's performance	
	I 2-306(f) law school could apply for variance from requirement that full-time faculty member be involved in "extraordinary circumstances" if substituted admr or part-time faculty member had sufficient experience		

	I-306(g) close scrutiny by Accred Comm where amt of credit is substantial, student/faculty ratio is high, placement significant distance from school, or placement initiated by student rather than school		
	I-306(h) where in excess of 6 credits/semester additional criteria: 1) classroom component required or functional equivalent; 2) written appraisal of program q 3 yrs; 3) careful full-time faculty monitoring of academic achievement including on-site visit	<p>“special attention to placement clinics is warranted because placement clinics have a well-deserved, but unnecessary, bad name in academic circles. . . “ “...it is a poorly kept secret that some schools have established placement clinics primarily in response to [the desire of law students for real world experience and enhanced job placement opportunities; some lawyers want to be involved in legal ed and have access to free labor; law school administrators want them to keep students and lawyer constituents happy] and not because of any belief that they offer valuable educational experiences.” “Some law schools (probably fewer than five, possibly as many as ten) are operating placement clinics which successfully achieve [the objectives structured learning experience, supporting materials provided and discussed; student reflection on their experiences and demonstrated levels of comprehension and improvement]”</p>	
1996	Std 306 renumbered 305		

Aug 1999	305 Amended	Class hours requirement expressed in minutes and not fewer than 45,000 min required in regularly scheduled classes; for the purposes of 305 and Interps faculty member means a member of full-time, part-time or adjunct faculty; schools may use faculty members from other schools to supervise, assist or review program	
		Much of previous I-306-2 raised into text of 305 and new sections (e) and (f) added: e)field placement approved and reviewed periodically utilizing 10 factors and (f) additional requirements for field placement programs	(
2000 - 2004			1999 Standards essentially unchanged through 2003-2004
2004	305 Amended	305 (e)(5) requires site visits if fieldwork credits exceed 6 Classroom component language softened to include other means of guided reflection	
2005	305 Amended	305(e)(5) requires “periodic on-site visits or their equivalent” if fieldwork credits exceed 3	
2006 – 2013	No Changes		
2014	305 Amended	Title change: Field Placements and Other Study Outside the Classroom	Add references to moot court, law review, and directed research, moved to body from prior I-305-1
		305(e)(5) requires contemporaneous opportunity for reflection if student may earn more than 2 credit hours in a field placement program	

		Omits prior I-305-2 Language that field placement program require particular attention from the law school and Accreditation Committee	
		Adds new I-305-1 Regular contact may be achieved through in-person visits or other methods of communication . . .	
		305(e)(6) amended to limit participation to students who had completed 28 credit hours	
2015	305 Amended	305(e)(6) amended to remove prior limit on participation: The program must include a requirement that each student has successfully completed sufficient prerequisites or contemporaneously receives sufficient training to assure quality of educational experience in the program	
2016	304	Completely rewrites standards regarding clinic, fieldwork, and simulation courses. I-304-1 provides that a field placement to qualify as an experiential course must comply with requirements of Standard 303(a)(3).	