Externships provide an important practical complement to classroom instruction by placing students in legal settings to gain meaningful experience in context. Externships, allow students to improve their research, writing, and drafting proficiencies, and expose students to the wide array of skills they will need to be successful attorneys. These skills include direct client contact, such as interviewing and counseling, as well as the ability to reflect upon the work of legal institutions and to analyze how professional responsibility impacts the day-to-day practice of law. In any externship program, the quality of a student’s experience is directly related to the quality of the supervision provided. The relationship between the student and his or her placement is a dynamic one; we hope that this manual will assist you in effectively supervising an extern and help you and your extern develop a mutually beneficial working relationship.

This manual has been developed to serve as a resource for our extern supervisors and reflects the ABA requirements for the conduct of externship programs. The manual articulates the standards we expect our extern supervisors to follow and highlights best practices in extern supervision. We recognize and appreciate the demands on your time and understand that supervision of a law student adds to your duties and responsibilities. As we work to develop meaningful and exciting externship placements, we hope you will offer us your suggestions and feedback. Thank you for your interest and willingness to supervise an extern!

ACKNOWLEDGEMENTS

The University of Tulsa College of Law would like to thank and acknowledge the following institutions for publishing and making available their Externship Handbook, thus enabling others to borrow and avoid “reinventing the wheel.”

- Albany Law School
- Fordham University School of Law
- University of Arkansas School of Law
- Bay Area Consortium on Externships
- Greater Los Angeles Consortium on Externships

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TABLE OF CONTENTS

SECTION I: EXPERIENTIAL LEARNING AND THE PROCESS OF BECOMING AN ATTORNEY ............ 4

SECTION II: PROVIDING STRUCTURE FOR AND FEEDBACK TO LAW STUDENT EXTERNS .......... 5
   A. Structuring the Experience ........................................................................................................... 5
   B. The Workplace Environment for Student Externs ................................................................. 9
   C. Providing Useful and Effective Feedback ............................................................................... 10

SECTION III: LAW STUDENTS AND WORKPLACE CONFIDENTIALITY ................................. 13

SECTION IV: TYPICAL FIELD PLACEMENT ISSUES ................................................................. 13

SECTION V: NON-DISCRIMINATION AND WORKPLACE ACCESS FOR STUDENTS
            WITH DISABILITIES ........................................................................................................... 15

SECTION VI: WORKPLACE FREE OF ILLEGAL OR UNWANTED HARRASSMENT .......... 16

APPENDIX A: OKLAHOMA RULES GOVERNING CLIENT CONFIDENTIALITY ....................... 16

APPENDIX B: SAMPLE EXTERN CONFIDENTIALITY AGREEMENT ........................................... 21

APPENDIX C: LEGAL ISSUES RELATED TO EXTERNSHIPS ................................................... 23

APPENDIX D: AMERICAN BAR ASSOCIATION STANDARD RELATING TO FIELD PRACTICE
            PLACEMENT PROGRAMS .................................................................................................. 25

APPENDIX E: EXTERNSHIP SUPERVISOR’S MID-TERM EVALUATION ................................. 28

APPENDIX F: EXTERNSHIP SUPERVISOR’S FINAL EVALUATION .......................................... 31
SECTION I: EXPERIENTIAL LEARNING AND THE PROCESS OF BECOMING AN ATTORNEY

The University of Tulsa College of Law Externship Program has a number of educational objectives, including helping students: (1) experience different models of lawyering skills related to specific areas of legal practice; (2) acquire greater insight into the process of lawyering; (3) develop a sense of professional responsibility; and (4) develop the awareness and ability to reflect on and learn from experiences. We stress to students that “doing” the work that they see performed by their field supervisors is just one component of the externship experience. Equally important is the process through which students learn to reflect on their observations in order to make sense of their experiences and integrate that reflection “to create new, or modify existing knowledge.”

As an externship director, I may define your role as a field supervisor and mentor more broadly than you. Although we appreciate the attention you give externs regarding the performance of legal tasks such as drafting documents, discovering and using facts, and arguing motions, externs can learn other invaluable insights from your observations about the legal system. For many of the externs, your office will be their first experience with law practice or judicial chambers; the legal world is an unknown universe. Externs are like cultural anthropologists who need to discover the professional mores in order to understand and respond to the legal ethos. We, therefore, often request externs focus on a different aspect of the practice and lifestyle of lawyers in the particular legal field in which they are practicing. For instance, in order for students to understand the legal context in which they practice, they need to reflect on issues such as the: (1) relationships between the attorneys and support staff, clients, opposing counsel, and judges; (2) lifestyle and demographics of attorneys, including gender, race, age, salary, and working conditions; (3) relationship between the legal work and attorney values, perceptions, and concepts of self-worth; and (4) ethical conundrums inherent in that type of law practice.

We expect students to discuss many of their observations with you. In turn, you can add a context to the student’s observation by sharing your opinions about the legal system and the lifestyle of an attorney specializing in your particular field of practice. We also expect students to reflect on their experiences in student journals, which they must keep as a part of their externship experience. The process of journal writing complements the process of reflecting. Therefore, you and the extern should discuss at your earliest convenience the scope of confidentiality with respect to the student’s reflections in the written journals. This discussion provides an excellent opportunity to discuss with the student the ethical and legal parameters of court and client confidentiality and any specific rules that your office may have regarding client loyalty and privilege.

It is clear to us that you provide students a wealth of opportunities to not only practice law and observe the processes of court, but also to experience and reflect upon the socialization process of becoming an attorney and the quality of life your legal discipline or service might provide.

SECTION II: PROVIDING STRUCTURE FOR AND FEEDBACK TO EXTERNS

During the time you supervise our law students, you are providing a critical part of their legal education. Our students can earn a substantial number of credit hours for field study experience, and we are understandably concerned that they receive appropriately challenging work and regular, effective feedback. This section contains suggestions on preparing assignments for externs and provides you with a Six Step Model approach for providing students feedback in a constructive manner. The goal is to assist students in developing the ability to self-critique their future work so that they will produce work that meets your expectations for the assigned project.

A. STRUCTURING THE EXPERIENCE

1. Be prepared for the externs’ arrival

Some externship placements have formal, well-established externship programs that provide new externs with materials describing everything from the structure of the office, to the externs’ duties, to the local eateries. It is far more common, however, to find that placements, whether large or small, run their externship program more informally. While there is nothing inherently wrong with some informality, students sometimes report that early in the externship they spend a significant amount of time figuring out what they are supposed to do and what is expected of them.

You can avoid this problem by taking a few steps to prepare for the students’ arrival. First, ask yourself what you expect the externs to do in your office. Will they be working primarily with one attorney or several? Who will be primarily responsible for assigning and reviewing work? Who will oversee the externs’ assignments to ensure the students receive appropriate work that has sound pedagogical value? These questions embody basic concerns for all students, and everyone is helped if you have these issues settled before the students start work.

When the students arrive, take the time to conduct a brief orientation of the office. Particularly in large offices, it is very helpful if students are given a tour of the office and are introduced to people they will need to know. Explain up front your expectations and the students’ obligations. Below is a proposed checklist to assist you:

First day orientation:
- Provide an office tour and staff introductions.
- Tell the extern how to contact his/her supervisors, including providing cell phone numbers if appropriate.
- Explain the office’s mission and structure, and discuss any broader issues that are critical to serving the mission or client population.
- Explain the role that externs play in furtherance of these issues.
- Have an express conversation about confidentiality; if your office uses a confidentiality agreement with externs discuss it and have the extern sign it. Remind externs of the confidentiality policy often.
• Brief the extern about office protocols regarding attendance, punctuality, security, safety emergency procedures, filing systems, routing of phone calls, dress code, computer usage, Lexis/Nexis, etc.
• Ask the extern to post his/her work hours, e-mail address, and cell phone contact number near his/her desk.
• Invite the extern to upcoming staff or client meetings or other events.
• Schedule a time within the first few days to have a conversation with the extern in which the goal is simply to get to know one another. As in any work situation, time spent establishing a cordial working relationship with your extern will help make it easier for you to understand each other’s work style and meet each other’s expectations.
• Give the extern the first assignment, including a due date, what form the assignment should take (formal memo, email summary, oral briefing, etc.)
• You may want to meet with him/her to discuss educational goals for the semester as completed in the Statement of Education Goals completed by the student and approved by you prior to the start of the semester. This will allow you and the extern to have a mutual understanding regarding the kinds of work and experiences that will be available to the extern.

2. **Provide Appropriate and Well-Defined Assignments**

Central to achieving the stated learning goals are the number and type of assignments students receive and the clarity of the supervisor’s communication about what is expected from each assignment. Students often fail to ask questions to clarify assignments. We are addressing those problems through checklists and class discussions about the need to communicate with the supervisors. These problems, however, can also be easily solved if one supervising attorney or clerk acts as a "clearinghouse" through which all assignments must pass in offices where the extern works for multiple lawyers. That attorney should gather potential assignments from other attorneys and review the proposed work before it is assigned. In this way, the placement can ensure that the assigning attorney has provided an adequate description of the work required and has equipped the student with enough background information to get the work done. In addition, if one person takes responsibility for all extern assignments, she can make sure that no one student has too much or too little work and that no student gets bogged down with an assignment that is too burdensome.

A key to a successful externship, whether in judicial chambers or in a law office, is the ability of a supervising attorney or clerk to give assignments to the extern effectively. When any project is assigned, you should tell the student what you expect from the student and communicate all aspects of your expectations to him. Below is a checklist you may find helpful to ensure less confusion and more productivity for both you and the extern.

a. **Have you explained each assignment with the relative inexperience of the student in mind?**

• Include an adequate description of the work required, including the desired form for the finished product, i.e., an overview outline, a detailed memo with copies of cases, a draft
order, an oral briefing, a declaration, etc. Provide a sufficient factual and contextual background. Clearly explain the purpose or objectives of the assignment. Provide a realistic time frame for completion (triple the amount of time you think it might take you).

- Have you discussed the basic objectives of the assignment or project with the student? Does the student know how this particular assignment fits into the overall case file and what the assignment will help you accomplish or resolve? Effective supervisors take the time to explain (1) when draft and final work products are due; (2) 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); (3) how many issues you expect the student to address; (4) how technically perfect you want the letter/memo/brief to be in terms of case cites, for example, whether you want a rough draft or a more polished draft; and (5) how often the student should check in with you for a progress meeting. Is the student aware of the format you require or expect? Have you provided the student with an example of the format of the opinion, memo, brief or letter to assist the student in understanding your expectations?

- Who should the student ask for assistance if you are unavailable?

- Have you provided the student with some guidance in terms of starting points for legal research to help focus the issue? Suggest available office or library reference materials (“I’d start with the Rutter Guide to orient yourself to...; a sample contract format can be found at...”)

- Have you asked the student if he has questions (again, remembering that some students may be unfamiliar with the substantive area of law you are asking them to address)?

b. Have you followed up regularly with your students as assignments progress?

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. Inasmuch as interactions during this phase are frequently marked by informality and brevity, the importance of these exchanges can be easily overlooked. Have you been diligent in keeping those scheduled progress meetings?

c. Have you provided students with feedback on their work?

As the assignment progresses, and again at the completion of it, you should solicit the student’s impressions about performance and convey your impressions about the performance on the assignment. In the following section we offer suggestions you may find useful. Without periodic feedback, neither you nor the student can effectively evaluate her performance and make any make
any necessary changes to result in a final product that closely resembles your goals for the assignment and provides your student with a sense of accomplishment.

3. **Arrange Weekly Conferences with Your Extern**

   This suggestion seems obvious, yet it is often overlooked. Because all supervisors are extremely busy judges and practitioners, weeks could easily go by without the supervisor spending any time one-on-one with the student. But all students must meet individually with their supervisors at least once a week to check in, review completed work, address any problems and discuss future assignments. If you schedule a weekly "standing appointment" to meet with your extern, you are far less likely to find that your daily work prevents you from regularly meeting with the student.

4. **Create Opportunities for Learning**

   Students are motivated to do their best work when they understand the intrinsic value of the task they have been given, and also see where that task fits into the larger picture of the work of the office. In addition to giving your extern research and writing assignments, make sure to invite him/her to observe you, and/or co-workers, in the full panoply of lawyering tasks that you engage in yourself including client meetings, witness preparation, fact investigation, office/team/staff meetings, case strategy discussions, depositions, court proceedings, MCLE events, meetings with co-counsel, negotiations, etc. Although lawyering tasks vary among different offices and placements, please include them in your day to day events.

5. **Keep the Lines of Communication Open**

   No matter how informal and friendly your office may be, be aware that there is a significant imbalance of power between supervising attorneys and externs. Most externs are aware of their place in the office hierarchy and may be reluctant to ask questions or seek advice for fear of appearing incompetent. When you make every effort to create and maintain a comfortable and effective working relationship, the externs' educational experiences and their contributions to your office will be maximized.

   Also, the law school director and other staff are here to support you. Please let us know how we can assist in any way. We are happy to provide training for you and your office on effective supervision techniques, to assist you with giving feedback, to brainstorm how to address a student who is underperforming, or any other concerns you might have about an extern or the program.

   A site visit will be arranged periodically so that you might meet with the director. The purpose of the site visit is to maintain open communication between the placement and the school and to model collaboration for the externs. We are eager to support you and are grateful for your work with our students; please do not hesitate to call upon us for assistance at any time throughout the externship.
B. THE WORKPLACE ENVIRONMENT FOR STUDENT EXTERNS

The workplace environment is extremely important to the successful externship experience. Students who feel comfortable and welcome are more productive. While it may not always be possible to provide separate workspace for each extern, we recommend, at a minimum, that students be provided with:

- A desk or other secure workspace that is their own;
- A phone or easy access to a phone;
- A computer, or sufficient access to one to facilitate prompt assignment completion;
- An office e-mail account, if appropriate;
- Sufficient office supplies to accomplish assigned tasks;
- Access to adequate legal research materials to accomplish assigned tasks;
- Access to support staff if necessary to accomplish a task;
- Office keys or restroom keys, if necessary;
- Copier and fax access if necessary to accomplish a task;
- Clear instructions regarding parking or reimbursement for parking expenses;
- Written office procedures and policies or manuals and computer passwords

Along with the physical set up of the office, students should be included in the office culture. The more the student is treated as part of the team, the better the experience will be for the student and, most likely, performance will be positively influenced. As a minimum, consider some of the following:

- Prepare a first assignment and gather the files, samples, and other materials the extern will need to get started. Externs are anxious to provide meaningful assistance from day one;
- Invite students to meetings, conference and/or upcoming hearings if they are relevant to the work or may enhance understanding of the project or task;
- Include students in investigation or research out of the office, if appropriate and if it may enhance the understanding of the task or project;
- Circulate office memoranda to students, if appropriate;
- Include students in the informal matters of the workplace, such as celebrations or group luncheons;
- Formally introduce students to all staff they will likely encounter during the workday;
- Instruct students about any workplace limitations, such as areas that may be off-limits or files or materials that may be sensitive or confidential.

Finally, communicate clearly and frequently with your externs. Open communication can prevent misunderstandings, clarify office relationships and ensure that your extern is a functional member of your work environment and the mission of your team.
C. PROVIDING USEFUL AND EFFECTIVE FEEDBACK

1. Provide Timely Feedback on All Assignments

The assigning attorney should provide timely feedback on every assignment the extern completes. Obviously, the nature of the feedback will vary depending on the type of assignment involved: a short research assignment resulting in a brief oral report may only warrant a five or ten minute conversation, while a substantial written project deserves more time and attention. Students consistently report that receiving regular feedback throughout their externship highlights their strengths and weaknesses and greatly improves the learning experience. In addition, constructive feedback benefits the supervising attorneys by facilitating vastly improved student performance.

When we reference "providing feedback" we do not mean to suggest that the attorney should offer suggestions and the student should sit passively and accept those suggestions. Students will get far more out of a discussion when they are actively involved in evaluating their own performance. To that end, students should be encouraged to assess their own work and to provide suggestions as to how the work could be improved.

2. Solicit Student Assessment of Performance on All Assignments

When reviewing an extern’s work, ask the student to evaluate both the assignment and her own performance. For example, did she think the assignment was appropriately challenging? Was it too difficult? Was the project adequately explained so she knew what was expected of her? If she encountered obstacles or questions along the way, did the assigning attorney provide helpful guidance? Is the student satisfied with her own performance? If not, what changes would she make? These questions will help not only focus the conversation, but they will force the student to reflect on the work she has done and what she could have done to improve it. The student is far more likely to accept suggestions for improvement if she has independently recognized the areas that need attention. Furthermore, the student’s assessment may help highlight problems that need to be addressed. Perhaps problems with the final work product were created by: the attorney’s limited description of the assignment; by the student’s unfamiliarity with the necessary research tools; or by the student’s failure to ask for clarification. If the attorney elicits the student’s impressions, these issues can be uncovered and handled more effectively.

3. Providing Constructive Feedback

Most extern supervisors are very concerned with making the student’s externship pleasant and, as a result, may shy away from the sometimes uncomfortable task of critiquing the student’s work. While this impulse is understandable, students need, deserve and actually want honest feedback on their work.

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In our experience, students often assume that "no news is good news," and will continue to repeat the same errors unless they are given specific notice that improvement is necessary. We, therefore, urge all supervisors to provide feedback early in the semester so any problems can be addressed before the externship proceeds too far. Most students are eager to become good lawyers and welcome specific advice on how they can sharpen their skills.

The sort of feedback you should offer and how you should go about it are the central concerns. First, include a healthy dose of positive feedback. In fact, it is a good idea to start off on a positive note. For example, even if the student's writing needs improvement, you may be able to honestly commend the student's research abilities. And if the research was weak, perhaps the student's eagerness and curiosity warrant a compliment. While you should not be reluctant to criticize the work where necessary, students are apt to be less defensive if they hear some good news first.

In order to be effective, suggestions for improvement should be as specific as possible. Instead of telling a student to "tighten up the writing" or "use the facts more effectively," take a portion of the student’s work and show her how to edit and rewrite the assignment. While this kind of feedback can be time-consuming, it is also the most helpful.

We recognize that it can be difficult to systematically review a student's work and cover all the relevant points. Below we have set out nine categories you may want to consider when reviewing a student's performance. You may not need or want to touch on each of these categories during every feedback session. But if you assess the student's performance on a specific assignment with these categories in mind, you may find that both you and the student are better focused on the areas of concern.

a) **Research Ability**
   - knows the basic, non-computer library research tools and how to use them
   - is familiar with computerized legal research resources
   - does thorough, careful and accurate work
   - produces practical and useful results

b) **Legal Analysis**
   - integrates legal concepts and theory with facts in a coherent and logical progression
   - identifies relevant issues and distinguishes a logical hierarchy among them

c) **Intellectual Capacity**
   - displays intellectual curiosity
   - thinks creatively and imaginatively
   - develops alternative avenues of argument
   - pursues analogous extensions in areas where the law is nebulous

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3 This list is presented and discussed in A. Alexander and J. Smith, *A Practical Guide for Cooperative Supervision for Law Students and Legal Employers*, supra n. 3, pp. 216-217. See also, Blaustone, *Teaching Law Students to Self Critique and to Develop Critical Clinical Self Awareness in Performance*, supra n. 2
• explores subsidiary and related issues uncovered by research to develop innovative legal theory

(d) **Writing Skill**
• writes clearly, precisely and persuasively
• drafts well-organized written assignments
• cites accurately and effectively

(e) **Clarity of Oral Expression**
• speaks well and is easily understood
• is able to discuss issues clearly
• communicates effectively in various advocacy proceedings

(f) **Judgment**
• is mature
• exercises good common sense
• knows how and when to ask questions or seek additional consultation
• sets appropriate priorities in handling assigned work

(g) **Responsibility**
• is trustworthy and acts ethically
• takes initiative
• is dependable and conscientious about work
• meets deadlines and manages time well
• works independently and efficiently without sacrificing quality
• accepts criticism and constructively modifies work habits

(h) **Client Relations**
• develops effective working relationships with clients
• is sensitive and responsive to client needs
• knows how to be diplomatically persistent

(i) **“Plus” Traits**
• shows an interest in the employer's work
• has a sense of humor
• is cooperative and accommodating to the needs of the office
• is even-tempered
• remains unruffled in emergency situations
• is courteous and respectful to all staff
• demonstrates sensitivity to office human relations dynamics
• appears self-confident and enthusiastic
• maintains a professional demeanor
4. **Keep the lines of communication open**

No matter how informal and friendly your office may be, a significant imbalance of power exists between supervising judges and attorneys and their externs. Most students are exquisitely aware of their place in the office hierarchy and may be reluctant to ask questions or seek advice for fear of appearing incompetent or foolish. In our experience, the best supervisory relationships exist when students feel free to approach their supervisors with all questions, large or small. Supervisors should, therefore, make every effort to create and maintain a comfortable and effective working relationship that will maximize both the students' educational experience and their contributions to your judicial chambers or office.

**SECTION III: LAW STUDENTS AND WORKPLACE CONFIDENTIALITY**

A fundamental principle of the lawyer-client relationship requires lawyers and their respective employees to uphold ethical obligations of confidentiality. We recommend that all externship placements implement steps to ensure that law students, who may or may not have experienced formal training in professional responsibility at the time of the placement, are aware of the specific confidentiality policies of the placement. Thus, we recommend that:

- Confidentiality policies be put in writing and distributed to each extern or law student volunteer each semester or summer session;
- Students sign an acknowledgement of receipt of the policies; and
- Throughout the term of the placement, students actively engage in dialogue with supervising attorneys about the importance of confidentiality and the ethical implications involved in individual cases or circumstances.

For your reference and convenience, Appendix A contains:
- Okla. Stat. tit. 5 § 3 (West 2001), setting forth among other duties, an attorney’s duty to maintain confidentiality.
- Oklahoma Rules of Professional Conduct, Preamble and Rule 1.6

A sample written confidentiality policy and acknowledgement of receipt and agreement for externs from the College of Law is set out in Appendix B.

**SECTION IV: TYPICAL FIELD PLACEMENT ISSUES**

According to the American Bar Association standards regulating law school field placements and the academic standards of the College of Law, several objectives and standards of supervision must be met to maintain the quality and academic integrity of externship programs. Such standards are specifically addressed in ABA Standard 305 and the College of Law Externship Supervisor and Extern Agreement. Many of the more typical issues that occur have already been alluded to in this manual through discussion of steps and processes that can lead to productive and satisfying field study experiences for both the supervisor and the student. A few others are discussed below.

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4 See Appendix D
1. **Lack of meaningful supervision**

Below are several issues with field study supervision that constitute a lack of meaningful supervision:

(a) **Too many students under the supervision of one placement supervisor**

An externship is most successful when each supervising attorney or judge is responsible for no more than three students. On occasion a placement supervisor has had primary responsibility for up to four students during a semester. To provide constructive feedback, meet regularly with students individually and monitor student progress in the placement, field supervisors should limit the number of students they are directly supervising. This limitation allows more time and flexibility for the supervisor and gives the student a more personal and valuable learning experience.

(b) **Not providing enough work**

Occasionally, students are not given a sufficient amount of work throughout the semester. Some students have to create their own work or wait idly for something substantive to do. Although the College of Law encourages students to be proactive and assertive in seeking assignments, ultimately the supervisor must make certain, at all times, the students have meaningful work. Law schools can only award academic credit and evaluate each student based on the work they actually perform.

(c) **Hours required may be excessive in relation to externship expectations**

At the opposite extreme, sometimes supervisors assign students far more work than can actually be performed in the amount of time the student and the school have allotted for the externship. As is true for all of us, the demands of a law student are many. Students will typically schedule their classes based on the time they know they will spend at an externship. While students understand that life as a lawyer demands a constant struggle to balance priorities, often they will make time to work for the externship to the detriment of other course work. To this end, placement supervisors should consider a law student’s external demands when asking him to work hours in excess of the weekly time allotted for the placement.

(d) **Assigning non-substantive/administrative/personal tasks**

Students are sometimes given administrative or even personal tasks to perform. The supervising attorney has the responsibility to maintain the academic credibility of the externship program by assigning substantive legal work. Understandably, as with most organizations, team efforts to meet deadlines or prepare for trial are often required. During such times, attorneys and other professional staff may perform tasks that are not standard for their position. However, it is difficult for schools to assert the value of an externship when students report they are spending entire days photocopying documents or organizing a filing system for current cases. Time spent performing administrative tasks should be minimized by the supervising attorney and personal errands or tasks should never be assigned.
(e) Lack of communication with College of Law contact

Finally, field supervisors sometimes wait too long to involve the law College of Law contact when problems arise. Keeping open lines of communication is essential to successful placements. When any sort of conflict arises, whether it is related to the quality of the student’s work, work habits, or general attitude toward the supervisor or the work, please contact the College of Law to identify the problem and discuss potential remedies before the conclusion of the program. As our goals are to ensure the most mutually beneficial relationship between both parties, we can typically offer assistance in resolving the issue or dealing with the problem completely from our end. When, in a final evaluation of the student’s work, we discover a student has not performed up to standard, we are faced with the difficult dilemma of failing her or substantially reducing the amount of credits received. If we are able to intervene early, we may prevent this unfortunate circumstance and remedy the problem behavior, or, if most appropriate, terminate the placement.

In conclusion, while most of our placements are excellent and provide a wonderful practical training ground for our students, field supervisors can improve dramatically the overall effectiveness of the program by avoiding these pitfalls. Each supervising attorney or judge is encouraged to carefully review Section II of this Manual which discusses proven methods of supervision and critique of student work. Use the College of Law as a resource whenever any problem arises. Contact information for the director is provided on the second page of this Manual. Please do not hesitate to discuss issues with us as they arise. Together we can keep a potentially difficult situation from spiraling into an uncontrollable problem that frustrates the learning process and the benefit of externships for all parties.

SECTION V: WORKPLACE ACCESS FOR PERSONS WITH DISABILITIES AND NON-DISCRIMINATION

Externship programs must be accessible to students with disabilities. The number of law students with disabilities is dramatically increasing. In large part this increase directly relates to the increased educational opportunities for elementary and high school students since the 1970’s and the passage and publicity of the Americans with Disabilities Act in 1990. It is estimated that approximately 10 percent of all law students have some sort of disability, which may or may not require a reasonable accommodation. The University of Tulsa College of Law is an ABA-accredited law school and a member of the Association of American Law Schools. We value and appreciate the diversity of our student body and adhere to the non-discrimination standards of the ABA and the AALS bylaws. Accordingly, as a condition of the assistance of our Professional Development Office and/or use of our career services facilities, we expect that all employers will observe and comply with the principles of non-discrimination and equality of opportunity on the basis of race, color, religion, national origin, gender, sexual orientation, age and disability in regard to hiring, promotion, retention, and conditions of employment.

\[^{5}\text{42 U.S.C. § 12101 et. seq}\]
SECTION VI: WORKPLACE FREE OF ILLEGAL OR UNWANTED HARASSMENT

As are you, the College of Law is committed to providing students with internship and externship placements that are free from illegal and unwelcome harassment. Sexual harassment is prohibited under both Federal and State law. The University of Tulsa Harassment Policy is provided in Appendix D for your consideration. We expect all field study placement offices to provide a work environment for students free of harassment.

A student who believes he or she has been harassed is encouraged to promptly report the incident to the faculty supervisor or the Externship Director. The University of Tulsa has internal policies and procedures regarding harassment and will take appropriate steps as required in the policy, including contact with the placement office about which a complaint has been asserted, if appropriate. The University of Tulsa’s policy is available at: http://www.utulsa.edu/~media/Files/graduate/Harassment_Policy.ashx or you may request a copy directly from the Externship Director.

APPENDIX A: WORKPLACE CONFIDENTIALITY

Observing ethical obligations of confidentiality is a central principle of the lawyer-client relationship. Because students may not have experienced formal training in professional responsibility at the time of the externship, the College of Law recommends supervising attorneys ensure that law students are aware of the confidentiality policies specific to the placement and advise the following:

1. Confidentiality policies be set forth in writing and distributed to each extern at the beginning of the externship,
2. Externs sign an acknowledgement of receipt of the policies, and
3. Supervising attorneys discuss the importance of confidentiality and the ethical implications involved in a case or matter with externs throughout the term of the placement.

For your reference and convenience:

- Okla. Stat. tit. 5 § 3 (West 2001), setting forth among other duties, an attorney’s duty to maintain confidentiality.
- Oklahoma Rules of Professional Conduct, Preamble and Rule 1.6

Oklahoma Rules Governing Client Confidentiality
Okla. Stat. tit. 5 § 3 (West 2001)

It is the duty of an attorney and counselor:

First. To maintain, while in the presence of the courts of justice, or in the presence of judicial officers engaged in the discharge of judicial duties, the respect due to the said courts and judicial officers, and at all times to obey all lawful orders and writs of the court.
Second. To counsel and maintain no actions, proceedings or defenses, except those which appear to him legal and just, except the defense of a person charged with a public offense.

Third. To employ for the purpose of maintaining the causes confided to him such means only as are consistent with truth, and never to seek to mislead the judges by any artifice or false statements of facts or law.

Fourth. To maintain inviolate the confidence, and, at any peril to himself, to preserve the secrets of his client.

Fifth. To abstain from all offensive personalities, and to advance no fact prejudicial to the honor or reputation of a party or witness unless required by the justice of the cause with which he is charged.

Sixth. Not to encourage either the commencement or continuance of an action or proceeding from motive of passion or interest.

Seventh. Never to reject for any consideration personal to himself the cause of the defenseless or the oppressed.

Okla. Stat. tit. 5, Ch. 1 App. 3-A (West 2001), Oklahoma Rules of Professional Conduct

Preamble: A Lawyer's Responsibilities

[4] In all professional functions a lawyer should be competent, prompt and diligent. A lawyer should maintain communication with a client concerning the representation. A lawyer should keep in confidence information relating to representation of a client except so far as disclosure is required or permitted by the Rules of Professional Conduct or other law.

Rule 1.6. Confidentiality of Information

(a) A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation or the disclosure is permitted by paragraph (b).

(b) A lawyer may reveal information relating to representation of a client to the extent the lawyer reasonably believes necessary:

(1) to prevent reasonably certain death or substantial bodily harm;

(2) to prevent the client from committing:

(i) a crime; or

(ii) a fraud that is reasonably certain to result in substantial injury to the financial interests or property of another and in furtherance of which the client has used or is using the lawyer’s services;

(c) to prevent, mitigate or rectify substantial injury to the financial interests or property of another that is reasonably certain to result or has resulted from the client’s commission of a crime or fraud in furtherance of which the client has used the lawyer’s services, provided that the lawyer has first made reasonable efforts to contact the client so that the client can rectify such criminal or fraudulent act, but the lawyer has been unable to do so, or the lawyer has contacted the client and
called upon the client to rectify such criminal or fraudulent act and the client has refused or has been unable to do so;

(d) to secure legal advice about the lawyer's compliance with these Rules;

(e) to establish a claim or defense on behalf of the lawyer in a controversy between the lawyer and the client, to establish a defense to a criminal charge or civil claim against the lawyer based upon conduct in which the client was involved, or to respond to allegations in any proceeding concerning the lawyer's representation of the client; or

(f) as permitted or required to comply with these Rules, other law or a court order.

Comment

[1] This Rule governs the disclosure by a lawyer of information relating to the representation of a client during the lawyer's representation of the client. See Rule 1.18 for the lawyer's duties with respect to information provided to the lawyer by a prospective client, Rule 1.9(c)(2) for the lawyer's duty to not reveal information relating to the lawyer's prior representation of a former client and Rules 1.8(b) and 1.9(c)(1) for the lawyer's duties with respect to the use of such information to the disadvantage of clients and former clients.

[2] A fundamental principle in the client-lawyer relationship is that, in the absence of the client's informed consent, the lawyer must not reveal information relating to the representation. See Rule 1.0(e) for the definition of informed consent. This contributes to the trust that is the hallmark of the client-lawyer relationship. The client is thereby encouraged to seek legal assistance and to communicate fully and frankly with the lawyer even as to embarrassing or legally damaging subject matter. The lawyer needs this information to represent the client effectively and, if necessary, to advise the client to refrain from wrongful conduct. Almost without exception, clients come to lawyers in order to determine their rights and what is, in the complex maze of law and regulations deemed to be legal and correct. Based upon experience, lawyers know that almost all clients follow the advice given, and the law is upheld.

[3] The principle of client-lawyer confidentiality is given effect by related bodies of law: the attorney-client privilege, the work product doctrine and the rule of confidentiality established in professional ethics. The attorney-client privilege and work product doctrine apply in judicial and other proceedings in which a lawyer may be called as a witness or otherwise required to produce evidence concerning a client. The rule of client-lawyer confidentiality applies in situations other than those where evidence is sought from the lawyer through compulsion of law. The confidentiality rule, for example, applies not only to matters communicated in confidence by the client but also to all information relating to the representation, whatever its source. A lawyer may not disclose such information except as authorized or required by the Rules of Professional Conduct or other law. See also Scope.

[4] Paragraph (a) prohibits a lawyer from revealing information relating to the representation of a client. This prohibition also applies to disclosures by a lawyer that do not in themselves reveal protected information but could reasonably lead to the discovery of such information by a third person. A lawyer's use of a hypothetical to discuss issues relating to the representation is permissible so long as there is no reasonable likelihood that the listener will be able to ascertain the identity of the client or the situation involved.

[4A] The requirement of maintaining confidentiality of information relating to representation applies to government lawyers who may disagree with the policy goals that their representation is designed to advance.

Authorized Disclosure
Except to the extent that the client's instructions or special circumstances limit the authority, a lawyer is impliedly authorized to make disclosures about a client when appropriate in carrying out the representation. In some situations, for example, a lawyer may be impliedly authorized to admit a fact that cannot properly be disputed or to make a disclosure that facilitates a satisfactory conclusion to a matter. Lawyers in a firm may, in the course of the firm's practice, disclose to each other information relating to a client of the firm, unless the client has instructed that particular information be confined to specified lawyers.

Disclosure Adverse to Client

Although the public interest is usually best served by a strict rule requiring lawyers to preserve the confidentiality of information relating to the representation of their clients, the confidentiality rule is subject to limited exceptions. Paragraph (b)(1) recognizes the overriding value of life and physical integrity and permits disclosure reasonably necessary to prevent reasonably certain death or substantial bodily harm. Such harm is reasonably certain to occur if it will be suffered imminently or if there is a present and substantial threat that a person will suffer such harm at a later date if the lawyer fails to take action necessary to eliminate the threat. Thus, a lawyer who knows that a client has accidentally discharged toxic waste into a town's water supply may reveal this information to the authorities if there is a present and substantial risk that a person who drinks the water will contract a life-threatening disease or debilitating disease and the lawyer's disclosure is necessary to eliminate the threat or reduce the number of victims.

Paragraph (b)(2) is a limited exception to the rule of confidentiality that permits the lawyer to reveal information to the extent necessary to enable affected persons or appropriate authorities to prevent the client from committing any crime, or a fraud as defined in Rule 1.0(d) that is reasonably certain to result in substantial injury to the financial or property interests of another and in furtherance of which the client has used or is using the lawyer's services. Such a serious abuse of the client-lawyer relationship by the client forfeits the protection of this Rule. The client can, of course, prevent such disclosure by refraining from the wrongful conduct. Although paragraph (b)(2) does not require the lawyer to reveal the client's misconduct, the lawyer may not counsel or assist the client in conduct the lawyer knows is criminal or fraudulent. See Rule 1.2(d). See also Rule 1.16 with respect to the lawyer's obligation or right to withdraw from the representation of the client in such circumstances, and Rule 1.13(c), which permits the lawyer, where the client is an organization, to reveal information relating to the representation in limited circumstances.

Paragraph (b)(3) addresses the situation in which the lawyer does not learn of the client's crime or fraud until after it has been consummated. Although the client no longer has the option of preventing disclosure by refraining from the wrongful conduct, there will be situations in which the loss suffered by the affected person can be prevented, rectified or mitigated. In such situations, the lawyer may disclose information relating to the representation to the extent necessary to enable the affected persons to prevent or mitigate reasonably certain losses or to attempt to recoup their losses. Paragraph (b)(3) does not apply when a person who has committed a crime or fraud thereafter employs a lawyer for representation concerning that offense.

Before using or disclosing confidential information under paragraph (b)(3), the lawyer should, if practicable, inform the client of the lawyer's ability to use or disclose information as provided in this Rule and the consequences thereof. The exercise of the lawyer's discretion should be guided by the potential for rectification of the consequences of the client's criminal or fraudulent conduct, and not considerations relating to the lawyer's personal interests or professional reputation.
9] A lawyer's confidentiality obligations do not preclude a lawyer from securing confidential legal advice about the lawyer's personal responsibility to comply with these Rules. In most situations, disclosing information to secure such advice will be impliedly authorized for the lawyer to carry out the representation. Even when the disclosure is not impliedly authorized, paragraph (b)(4) permits such disclosure because of the importance of a lawyer's compliance with the Rules of Professional Conduct.

10] Where a legal claim or disciplinary charge alleges complicity of the lawyer in a client's conduct or other misconduct of the lawyer involving representation of the client, the lawyer may respond to the extent the lawyer reasonably believes necessary to establish a defense. The same is true with respect to a claim involving the conduct or representation of a former client. Such a charge can arise in a civil, criminal, disciplinary or other proceeding and can be based on a wrong allegedly committed by the lawyer against the client or on a wrong alleged by a third person, for example, a person claiming to have been defrauded by the lawyer and client acting together. The lawyer's right to respond arises when an assertion of such complicity has been made. Paragraph (b)(5) does not require the lawyer to await the commencement of an action or proceeding that charges such complicity, so that the defense may be established by responding directly to a third party who has made such an assertion. The right to defend also applies, of course, where a proceeding has been commenced.

11] A lawyer entitled to a fee is permitted by paragraph (b)(5) to prove the services rendered in an action to collect it. This aspect of the rule expresses the principle that the beneficiary of a fiduciary relationship may not exploit it to the detriment of the fiduciary.

12] Other law may require that a lawyer disclose information about a client. Whether such a law supersedes Rule 1.6 is a question of law beyond the scope of these Rules. When disclosure of information relating to the representation appears to be required by other law, the lawyer must discuss the matter with the client to the extent required by Rule 1.4. If, however, the other law supersedes this Rule and requires disclosure, paragraph (b)(6) permits the lawyer to make such disclosures as are necessary to comply with the law.

13] A lawyer may be ordered to reveal information relating to the representation of a client by a court or by another tribunal or governmental entity claiming authority pursuant to other law to compel the disclosure. Absent informed consent of the client to do otherwise, the lawyer should assert on behalf of the client all non-frivolous claims that the order is not authorized by other law or that the information sought is protected against disclosure by the attorney-client privilege or other applicable law. In the event of an adverse ruling, the lawyer must consult with the client about the possibility of appeal to the extent required by Rule 1.4. Unless review is sought, however, paragraph (b)(6) permits the lawyer to comply with the court's order.

14] Paragraph (b) permits disclosure only to the extent the lawyer reasonably believes the disclosure is necessary to accomplish one of the purposes specified. Where practicable, the lawyer should first seek to persuade the client to take suitable action to obviate the need for disclosure. In any case, a disclosure adverse to the client's interest should be no greater than the lawyer reasonably believes necessary to accomplish the purpose. If the disclosure will be made in connection with a judicial proceeding, the disclosure should be made in a manner that limits access to the information to the tribunal or other persons having a need to know it and appropriate protective orders or other arrangements should be sought by the lawyer to the fullest extent practicable.

15] Paragraph (b) permits but does not require the disclosure of information relating to a client's representation to accomplish the purposes specified in paragraphs (b)(1) through (b)(6). In
exercising the discretion conferred by this Rule, the lawyer may consider such factors as the nature of the lawyer's relationship with the client and with those who might be injured by the client, the lawyer’s own involvement in the transaction and factors that may extenuate the conduct in question. A lawyer’s decision not to disclose as permitted by paragraph (b) does not violate this Rule. Disclosure may be required, however, by other Rules. Some Rules require disclosure only if such disclosure would be permitted by paragraph (b). See Rules 1.2(d), 4.1(b), 8.1 and 8.3. Rule 3.3, on the other hand, requires disclosure in some circumstances regardless of whether such disclosure is permitted by this Rule. See Rule 3.3(c).

**Acting Competently to Preserve Confidentiality**

[16] A lawyer must act competently to safeguard information relating to the representation of a client against inadvertent or unauthorized disclosure by the lawyer or other persons who are participating in the representation of the client or who are subject to the lawyer’s supervision. See Rules 1.1, 5.1, and 5.3.

[17] When transmitting a communication that includes information relating to the representation of a client, the lawyer must take reasonable precautions to prevent the information from coming into the hands of unintended recipients. This duty, however, does not require that the lawyer use special security measures if the method of communication affords a reasonable expectation of privacy. Special circumstances, however, may warrant special precautions. Factors to be considered in determining the reasonableness of the lawyer’s expectation of confidentiality include the sensitivity of the information and the extent to which privacy of the communication is protected by law or by a confidentiality agreement. A client may require the lawyer to implement special security measures not required by this Rule or may give informed consent to the use of a means of communication that would otherwise be prohibited by this Rule.

**Former Client**

[18] The duty of confidentiality continues after the client-lawyer relationship has terminated. See Rule 1.9(c)(2). See Rule 1.9(c)(1) for the prohibition against using such information to the disadvantage of the former client.

**APPENDIX B: SAMPLE EXTERN CONFIDENTIALITY AGREEMENT**

Below are suggested confidentiality provisions a placement may wish to incorporate into a written confidentiality agreement and acknowledgment.

1. **General** – The obligations of confidentiality arising from Okla. Stat. tit. 5 and the Oklahoma Rules of Professional Conduct apply to externs. [Placement] staff, including externs, shall not disclose or release any information designated as confidential, or that may identify a party, client, case, or matter that is served by or brought to [Placement], without the express, advance authorization of the extern supervisor. The extern must keep confidential any information received from a client whether or not it pertains to a pending case. This legal obligation continues beyond the period of the externship. With the supervisor’s express permission only, an extern may use a properly redacted document as a writing sample.
2. Providing Legal Advice – Externs shall not give any legal advice to a person or client, nor express any opinion concerning the merits of a client’s case to a client or to any third party, unless he or she is supervised by an attorney or is authorized by the attorney to provide the advice.

3. Office Visits – No one other than [Placement] staff should be permitted in the offices, without permission. If anyone other than [Placement] staff, including former staff members, enters the premises, they shall be escorted to an office or conference room. The extern or another staff member should state, “It is important that confidentiality be maintained. Please come with me to this office. How can I help you?” Externs should receive permission from their supervisor before inviting personal guests to visit the office.

4. Meeting Clients During Intake – As the supervising attorney shall explain to the extern, [Placement] staff should explain to potential clients that confidences or secrets disclosed by the client will be kept confidential, and that staff cannot reveal this information without the client’s permission.

5. Taking Office Files Off-Site – Offices files shall not be taken from the premises without permission from the extern’s supervisor. In cases where permission is given, only copies and not originals of files shall be taken off-site. Office files should never be emailed to private email accounts. If communicating with a supervisor, co-worker, client, or others regarding confidential case information, special care should be taken to preserve confidentiality. Records of email communications should be maintained consistent with office policy.

6. Disposing of Office Files – Confidential information shall be disposed of by shredding it at the office or in accordance with the protocol for disposal of electronic copies.

7. Acknowledgement – By signing this agreement, the extern agrees to comply with the provisions above, and confirms he or she has read Okla. Stat. tit. 5 § 3 and the Oklahoma Rules of Professional Conduct Rule 1.6, regarding confidentiality provisions.

Print Name: ________________________ Date: ______________

Signature: ________________________
APPENDIX C: LEGAL ISSUES RELATED TO EXTERNSHIPS

This section is not intended to provide legal advice, but to provide useful references for organizations hosting law students for academic credit.

The College of Law is committed to a policy against discrimination in externships based on color, race, religion, marital status, sex, national original, age, sexual orientation, gender identity, disabilities, and military status. We encourage you to create working environments where all students may participate and where students feel safe from harassment, and provide the following references for your consideration:

1) Americans with Disabilities Act, 42 U.S.C. Section 12101, et seq.
3) Fair Labor Standards Act, see U.S. Department of Labor Fact Sheet 71 at http://www.dol.gov/whd/regs/compliance/whdfs71.htm and below

Workers’ Comp and Legal Malpractice

These areas can be complicated. Organizations that have questions are advised to work with their legal counsel’s office.

Please note: There may be applicable state laws depending on the jurisdiction you are located in. Placements are advised to contact their legal counsel regarding legal issues. The U.S. Department of Labor, Fact Sheet #71 is provided for information purposes only.

Fact Sheet #71: Internship Programs under The Fair Labor Standards Act

The Fair Labor Standards Act (“FLSA”) governs wage and overtime requirements for employees. In some instances, unpaid interns, particularly in “for-profit” private sector internships will be viewed as employees entitled to minimum wage and overtime. The U.S. Labor Department issued recent guidance to help determine whether interns in educational or training programs are exempt from FLSA minimum wage requirements. See U.S. Department of Labor Wage and Hour Division Fact Sheet #71: Internship Programs Under the Fair Labor Standards Act (April 2010) as referenced below. 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 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 operation, 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 at 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.

For additional information, visit our Wage and Hour Division Website: http://www.wagehour.dol.gov and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243).

* 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.

APPENDIX D: AMERICAN BAR ASSOCIATION STANDARDS FOR APPROVAL OF LAW SCHOOLS

All law schools accredited by the American Bar Association are subject to periodic accreditation reviews. As part of regular accreditation inspections, Accreditation Committees are
required to evaluate field placement programs. In particular, Committees are required to evaluate the qualifications, training and performance of field instructors and to determine whether the placements are meeting their stated educational objectives. Additionally, the Standards require frequent contact with supervisors, visits to field placements, and in some instances, mandatory classroom components. To more fully assist you in understanding the structure of our program and the requirements imposed on our students, faculty and field supervisors, we include Standard 304 in this Manual.

Standard 304. SIMULATION COURSES, LAW CLINICS, AND FIELD PLACEMENTS
(a) A simulation course provides substantial experience not involving an actual client, that (1) is reasonably similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks in a set of facts and circumstances devised or adopted by a faculty member, and (2) includes the following:

(i) direct supervision of the student’s performance by the faculty member;

(ii) opportunities for performance, feedback from a faculty member, and self-evaluation; and

(iii) a classroom instructional component.

(b) A law clinic provides substantial lawyering experience that (1) involves advising or representing one or more actual clients or serving as a third-party neutral, and (2) includes the following:

(i) direct supervision of the student’s performance by a faculty member;

(ii) opportunities for performance, feedback from a faculty member, and self-evaluation; and

(iii) a classroom instructional component.

(c) A field placement course provides substantial lawyering experience that (1) is reasonably similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks in a setting outside a law clinic under the supervision of a licensed attorney or an individual otherwise qualified to supervise, and (2) includes the following:

(i) direct supervision of the student’s performance by a faculty member or site supervisor;

(ii) opportunities for performance, feedback from either a faculty member or a site supervisor, and self-evaluation;

(iii) a written understanding among the student, faculty member, and a person in authority at the field placement that describes both (A) the substantial lawyering experience and opportunities for performance, feedback and self-evaluation; and (B) the respective roles of faculty and any site supervisor in supervising the student and in assuring the educational quality of the experience for the student, including a clearly articulated method of evaluating the student’s academic performance;
(iv) a method for selecting, training, evaluating and communicating with site supervisors, including regular contact between the faculty and site supervisors through in-person visits or other methods of communication that will assure the quality of the student educational experience. 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;

(v) a classroom instructional component, regularly scheduled tutorials, or other means of ongoing, contemporaneous, faculty-guided reflection; and

(vi) evaluation of each student’s educational achievement by a faculty member.; and

(vii) sufficient control of the student experience to ensure that the requirements of the Standard are met. The law school must maintain records to document the steps taken to ensure compliance with the Standard, which shall include, but is not necessarily limited to, the written understandings described in Standard 304(c)(iii).

(d) Credit granted for such a simulation, law clinic, or field placement course shall be commensurate with the time and effort required and the anticipated quality of the educational experience of the student.

(e) Each student in such a simulation, law clinic, or field placement course shall have successfully completed sufficient prerequisites or shall receive sufficient contemporaneous training to assure the quality of the student educational experience.
EXTERN SUPERVISOR'S MID-TERM EVALUATION FORM

THE UNIVERSITY of TULSA
College of Law Experiential Learning

APPENDIX E: EXTERNSHIP SUPERVISOR'S MID-TERM EVALUATION FORM

EXTERNSHIP SUPERVISOR’S MID-TERM EVALUATION

Extern: ________________________________
Field Supervisor: ________________________________

Please evaluate the performance of the extern in relation to your expectations considering the duties undertaken. Accordingly, your frank and honest assessment of the student’s strengths and weaknesses mid-way through the placement are appreciated; constructive comments are helpful and encouraged.

1. PERSONAL SKILLS; WORK ETHIC; PROFESSIONALISM

   a. Attendance: Extern’s compliance with agreed work schedule
      □ Unacceptable □ Below Average □ Acceptable/Average □ Above Average □ Superior
      Comments: ________________________________

   b. Attitude: Effort in performing assignments; eagerness to learn; enthusiasm; ability to accept constructive criticism
      □ Unacceptable □ Below Average □ Acceptable/Average □ Above Average □ Superior
      Comments: ________________________________

   c. Initiative: Willingness to take on a variety of assignments; ability to work independently
      □ Unacceptable □ Below Average □ Acceptable/Average □ Above Average □ Superior
      Comments: ________________________________

   d. Professionalism: Ability to get along with others; appropriateness of behavior and etiquette in a professional setting; stable personality
      □ Unacceptable □ Below Average □ Acceptable/Average □ Above Average □ Superior
      Comments: ________________________________

   e. Judgment: common sense; maturity; ability to set appropriate priorities
      □ Unacceptable □ Below Average □ Acceptable/Average □ Above Average □ Superior
      Comments: ________________________________
2. **SUBSTANTIVE SKILLS – RESEARCH AND WRITING**

   a. **Issue spotting**
      - Unacceptable
      - Below Average
      - Acceptable/Average
      - Above Average
      - Superior
      Comments: ______________________________

   b. **Basic research procedure**
      - Unacceptable
      - Below Average
      - Acceptable/Average
      - Above Average
      - Superior
      Comments: ______________________________

   c. **Identification and use of appropriate authority**
      - Unacceptable
      - Below Average
      - Acceptable/Average
      - Above Average
      - Superior
      Comments: ______________________________

   d. **Analysis & application of law to facts**
      - Unacceptable
      - Below Average
      - Acceptable/Average
      - Above Average
      - Superior
      Comments: ______________________________

   e. **Clarity and style in written work**
      - Unacceptable
      - Below Average
      - Acceptable/Average
      - Above Average
      - Superior
      Comments: ______________________________

   f. **Clarity and style in oral communication**
      - Unacceptable
      - Below Average
      - Acceptable/Average
      - Above Average
      - Superior
      Comments: ______________________________

   g. **Efficiency**
      - Unacceptable
      - Below Average
      - Acceptable/Average
      - Above Average
      - Superior
      Comments: ______________________________

   h. **Thoroughness**
      - Unacceptable
      - Below Average
      - Acceptable/Average
      - Above Average
      - Superior
      Comments: ______________________________

**May we share this evaluation with your extern?** ________________

We welcome and appreciate any thoughts or comments you may wish to share about the Externship Program and/or what we can do to improve the program. __________________________________________________________
_______________________________________________________________
_______________________________________________________________
_______________________________________________________________

Signature of Extern Supervisor: ______________________________ Date __________

Would you be willing to host an extern again? ______ Yes ______ No
If Yes: _______ Fall    _______ Spring    _______ Summer    _______ Every Semester

PLEASE RETURN TO:
Lauren Donald, Assistant Dean for Experiential Learning & Director of Externships
University of Tulsa College of Law
3120 East 4th Place
Tulsa, OK 74104
Fax: (918) 631-2194
Email: lauren-donald@utulsa.edu
Please call (918) 631-2421 with any questions
APPENDIX F: EXTERNSHIP SUPERVISOR’S FINAL EVALUATION

EXTERNSHIP FIELD SUPERVISOR FINAL EVALUATION

Extern
Supervisor(s):_____________________________________________________

Student Extern: ____________________________________________________

Please advise if this evaluation may be shared with your extern. YES _______ NO _____

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<th>LAWYERING SKILLS</th>
<th>Not Applicable</th>
<th>Poor</th>
<th>Fair</th>
<th>Good</th>
<th>Excellent</th>
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<th>Fair</th>
<th>Good</th>
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<td>Thoroughness and Attention to Detail</td>
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<td>Dependability</td>
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<td>Attitude toward Supervision, Criticism</td>
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<td>Productivity and Time Management</td>
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*Please provide additional comments as requested below. Feel free to attach additional pages if necessary.
**Strengths:** Please describe the extern’s contributions to your chambers or office, such as, the type of projects completed or areas in which the extern showed particular strength or skill:

**Needs Improvement:** For each category in the chart above which you rated the extern “Poor” or “Fair,” please provide examples or otherwise describe the reason for the rating:

**Externship Program:** Do you have any suggestions for improving our externship program in general, or ways we might assist you better in the future?

**Student Feedback:** Although not required, we encourage supervisors to review evaluations with students as part of an exit interview. Please check here if you have done so. ________.

__________________________________________________________________________

Signature of Judge or Attorney Supervisor ________________________________ Date ______________

Thank you. Please return to:

Lauren Donald, Esq.
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