

Rules Relating to
EXTERNSHIP PROGRAM
Southern Illinois University
School of Law

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Contents

Section 1: Definitions.	2
Section 2: Declaration of Purpose.	2
Section 3: Student Eligibility.	2
Section 4: Placement Eligibility.	2
Section 5: Limitations on Placement Hours, Hour Requirements, and Number of Academic Credits.	2
Section 6: Compensation Prohibited.	3
Section 7: Responsibility for Cases and Clients: Liability Insurance.	3
Section 8: Extern Placement Approval/Selection.	3
Section 9: Criteria for Approving/Selecting Placements.	3
Section 10: Application Process for Placements.	3
Section 11: Identification of Students.	4
Section 12: Reporting Requirements.	4
Section 13: Re-application and Termination.	4
Section 14: Clinic Committee.	4
Section 15: Operation in Compliance with ABA Standards relating to Externship Courses.	4

Section 1: Definitions. Externships are placements of second- or third-year law students with qualifying law offices, agencies or judicial officers for School of Law academic credit. The Externship Program is a part of the School of Law Legal Clinic program and falls under the auspices of the Clinic Director, who is the person administratively responsible for the Legal Clinic program, whatever that person's actual title. When used herein, Faculty Member or Faculty Supervisor means the member of the School of Law Faculty or School of Law Clinical Faculty assigned to teach the Extern Clinic Course for the term in question. The terms Site Supervisor and/or Supervising Attorney mean the attorney, judge, or law clerk at the approved placement site who is responsible for supervising the work of the extern at that placement site.

Section 2: Declaration of Purpose. The purpose of externships is to provide law students with educational opportunities through practical experience as a supplement to traditional law school courses. These rules shall be construed so as to advance this purpose. All other purposes, including advantages to the placement office or agency and future employment opportunities for law students, shall be secondary.

Section 3: Student Eligibility. Any law student who has completed the first full year of law school and is otherwise eligible under the Rules of the School of Law pertaining to Clinics shall be eligible to participate in the externship program.

Section 4: Placement Eligibility. Any court, duly elected or appointed justice, judge, or full-time judicial officer and any agency or law office authorized to provide services under the law student practice rules governing the agency or office shall be eligible to be an externship placement under these rules. In addition, placements not meeting these criteria may be approved by the Clinic Director when the Clinic Director finds that the placement requested will provide a law student with an appropriate educational experience that is otherwise not available to the student. These might include medical/legal placements for JD/MD students or placements with other offices or organizations which have legal departments. At any approved placement site, students must be supervised by an attorney licensed to practice in that jurisdiction who is a full time employee of the placement site. Private law offices and firms are not eligible for extern placements. However, if an attorney from a private law office or firm holds an appointment which otherwise meets the placement criteria, and the student will be working only on matters arising from that appointment, such a site may be deemed an eligible placement. This might include an attorney who has contracted to represent a governmental agency or entity such as a village board, a city council, etc., on a part-time basis.

Section 5: Limitations on Placement Hours, Hour Requirements, and Number of Academic Credits. All academic requirements related to placement hours, hours required for academic credit, the number of credit hours allowed for the placement, and activities that may or must be completed as a part of the educational experience shall be determined by the School of Law, the Clinic Director, or the Faculty Member for the course in any particular term or semester. If a placement site has policies or requirements related to these matters normally reserved to the School of Law, compliance with these internal policies or requirements is subject to approval of the Faculty Member or Clinic Director.

Section 6: Compensation Prohibited. In compliance with ABA Standard 305 and Interpretation 305-3, and notwithstanding the provisions of Illinois Supreme Court Rule 711(d) or other student practice rules governing the placement, no student participating in the externship program shall request or accept any compensation from the placement until the hours required for academic credit have been completed and the Faculty Member has indicated that the student's extern course work is satisfactorily completed for the semester or term. Under certain circumstances students may be reimbursed for expenses they incur in carrying out their duties at the placement site, but this reimbursement must first be approved by the Faculty Supervisor or Clinic Director.¹

Section 7: Responsibility for Cases and Clients: Liability Insurance. Each externship placement and the attorneys therein shall be responsible for the legal services provided any client or public agency. By participating in this program, each judicial officer and placement agency or law office certifies to the School of Law that it will provide adequate supervision for SIU law students. Each placement, not otherwise self insured or immune from suit, shall carry professional liability insurance to cover all externship students and shall indemnify Southern Illinois University and any employee thereof for any liability or potential liability arising from the externship placement.

Section 8: Extern Placement Approval/Selection. Externship placements shall be selected and/or approved by the Faculty Member teaching the course in consultation with the Clinic Director.

Section 9: Criteria for Approving/Selecting Placements. The Faculty Member and Clinic Director shall consider the following factors in determining whether to allow students to be placed with any judicial officer, law office or agency: (a) whether the work and supervision plan submitted by the agency will provide a meaningful educational experience for law students; (b) whether the nature and level of supervision by the placement attorney is such as to assure the students receive appropriate guidance and instruction in the provision of legal services; and (c) whether the attorneys within the agency are known to provide the type of experience the Faculty Member and the Clinic Director believe appropriate for this program.

Section 10: Application Process for Placements. All judicial officers, eligible agencies and law offices desiring to participate in the externship program shall submit an application to the Faculty Member requesting the approval of the placement for SIU law students. That application shall include: (a) The name of the person who shall be responsible to the School of Law for the supervision of students and liaison with the School of Law on externship matters; (b) Whether the placement requests a maximum of one, two, or three students; (c) A description of the nature of the placement and the work done generally by the agency; (d) A detailed description of: (i) the work to be done by the students, including the number of approximate hours each week the student will be performing each task (brief writing, court appearance client interviewing, etc.); (ii) the place the student will be working; (iii) the names of the specific attorneys who will supervise each task for each student; and (iv) an explicit description of the nature of supervision

1. Refers to the ABA Standards and Rules of Procedure for Approval of Law Schools, published annually by the American Bar Association Section of Legal Education and Admissions to the Bar.

provided by the agency attorneys.

Section 11: Identification of Students. Once an application for placement approval has been granted, the Faculty Member shall determine the manner in which students are assigned to approved placement sites. THE APPROVAL OF THE PLACEMENT SITE DOES NOT GUARANTEE THAT ANY STUDENTS WILL PARTICIPATE IN ANY PARTICULAR EXTERNSHIP.

Section 12: Reporting Requirements. The Faculty Member shall require sufficient reporting from both students and Site Supervisors or Supervising Attorneys to understand the nature of the work being performed by the students; to assure the educational value of the placement for students; and to insure that the Supervising Attorneys at the placement are conducting themselves in a competent and professional manner at all times, acting in conformity with the programmatic guidelines set out by the Faculty Member and acting in conformity with the rules of professional conduct applicable in their jurisdiction.

Section 13: Re-application and Termination. Certification of placement shall be effective for three years commencing with the fall semester of the academic year. A new application shall be required every third year. When reviewing applications for renewal of the application of any placement, the Faculty Member shall consider the evaluations of the placement by students over the three year period and other information relating to the placement, in addition to the application. Placements sites that fail to re-apply in a timely manner when notified of the need to do so will be removed from the Approved Placement List until such time as they re-apply and are approved as required in sections 9 and 10 herein. In addition to this re-application process, placement sites agree to keep the Faculty Member apprised of any changes at the site which might alter the learning experiences a student expects to have at the placement site and also to notify the Faculty Member of any changes in personnel that would result in someone who is not listed on the approved placement site application directly supervising a student.

Section 14: Clinic Committee. In the event a problem or controversy arises out of the administration of these Rules Relating to Externship Program, the Clinic Director or the Faculty Member shall seek the advice and counsel of the faculty Clinic Committee, if one exists. In the event there is no faculty Clinic Committee, the Dean shall convene a task force of faculty to sit as the temporary Clinic Committee. The Clinic Committee shall undertake a thorough review of the problem or controversy presented and, in consultation with the Faculty Member and the Clinic Director, determine a resolution. In the event a resolution or determination requires a substantial departure from the then current Rules Relating to Externship Program, the Committee shall bring the matter before the faculty as a whole for consideration and final determination.

Section 15: Operation in Compliance with ABA Standards relating to Externship Courses. The Externship Program shall at all times operate in compliance with the standards and interpretations of the American Bar Association relating to the operation of an ABA approved legal education program at an ABA accredited law school. Any part of the Rules Relating to Externship Program which contravenes operation of the program in compliance with applicable

ABA standards and interpretations shall immediately be brought to the attention of the Clinic Committee by the Faculty Member or the Clinic Director. The Clinic Committee shall address the areas of non-compliance and suggest rule changes to be approved by the faculty in order to bring the program into compliance.