Boston College Law School
Clinical Externship Program

Externship Manual

2015-2016
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Welcome to Boston College Law School’s Clinical Externship Program, part of the Center for Experiential Learning. The educational objective of the Clinical Externship Program is to develop those qualities and skills that you will need to become a successful practitioner by combining theory and practice, while also providing opportunities to reflect upon and instill the moral and ethical values that underlie a rational and just application of law. The Externship Program will help you to define, pursue, and meet learning goals within a professional setting.

A goal of the Clinical Externship Program is to create a diverse range of externship opportunities for students. While the Program offers flexibility, it ensures consistency of the educational experience.

Our externships allow students to gain experience at a field placement in the U.S. or abroad for credit. Externship field placements may include a government agency (local, state, or federal), a non-governmental organization, an inter-governmental organization, a court, a private corporation, or a private law firm. The Clinical Externship Program offers three distinct externship options: specialized part-time externships, individualized part-time externships, and individualized full-time immersion externships. To qualify for academic credit as a clinical externship, an externship must consist of legal work under the direct supervision of an attorney at the field placement.

We look forward to working with you as you continue your professional development through participation in an externship. If you have any questions or concerns, please contact us:

For externships: Kate Devlin Joyce
Associate Director of Externships
Center for Experiential Learning
617-552-4427
Devlink@bc.edu

For registration: Elizabeth Rosselot
Assistant Dean for Academic Affairs and Registrar
Student Services Office
617-552-4337
Rosselot@bc.edu
FALL SEMESTER, 2015
On Campus Recruiting Begins............................................Week of August 10th
Orientation for First Year Students .................................August 20 and 21
Classes Begin .....................................................................August 24 (Mon)
No Classes (Labor Day).........................................................September 7 (Mon)
Deadline for students to begin externship placements...........week of August 31
*Administrative Monday......................................................September 8 (Tue)
No Classes (Rosh Hashanah)...............................................September 14 (Mon)
No Classes (Yom Kippur).....................................................September 23 (Wed)
No Classes (Columbus Day)................................................October 12 (Mon)
Thanksgiving Recess .........................................................November 26-27 (Thu-Fri)
Classes End ......................................................................November 30 (Mon)
Students complete externship placements..........................week of November 30-Dec.3
Reading Days.....................................................................December 1-2 (Tue-Wed)
Exams...............................................................................December 3-17 (Thu-Thu)
Conflicts and Make-up day for exams....................................December 18 (Fri)
(*Tuesday classes are cancelled and Monday classes substituted.)

SPRING SEMESTER, 2016
All Classes Begin.................................................................January 11 (Mon)
No Classes (Martin Luther King Day) ...............................January 18 (Mon)
Deadline for students to begin externship placements...........week of January 18
Spring Recess .................................................................March 7-11 (Mon-Fri)
Easter Recess....................................................................March 24-25 (Thurs-Fri)
No Classes (Patriots Day) ..................................................April 18 (Mon)
Classes End ......................................................................April 25 (Mon)
Students complete externship placements..........................week of April 25-29
Reserve Day ......................................................................April 26 (Tue)
Reading Days.................................................................April 27-28 (Wed-Thurs)
Exams.............................................................................April 29 - May 17 (Fri-Tue)
University Commencement............................................May 23 (Mon)
Law School Commencement..............................................May 27 (Fri)
Student responsibilities:

A. **Eligibility:**
   Eligibility for externships is limited to J.D. students in good standing who have completed 28 credits and completed their first year of law school.  
   **Transfer students** may participate in all externship programs.  
   **LLM students** may participate in the Legal Practice Externship program (LPE) and, with permission, some of the specialized externship programs.  
   **Visiting students** may participate in the Legal Practice Externship program (LPE) and, with permission, some of the specialized externship programs.

B. **In-class credits:** To sit for the bar exam, students must have a minimum of 64 in-class credits.  
   Clinical externship credits are considered out-of-class credits, while the accompanying externship seminar counts as in-class credits. Please verify the number of in-class credits that you have before registering for a clinical externship.

C. **Compensation and reimbursement of expenses by placement organization:**
   ABA rules prohibit students participating in externships to earn a salary or receive other compensation for the work they perform at their placement organization. Students may, however, receive reimbursement from their placement organization if (1) the reimbursement is for travel or other work-related expenses and (2) incurring the expenses was required by the placement.

D. **Professional Responsibility:**
   As a clinical externship student, you are acting as a student attorney and as such have certain professional responsibilities to which you must adhere. The Massachusetts Rules of Professional Conduct (found at [http://www.mass.gov/obcbbo/rpcnet.htm](http://www.mass.gov/obcbbo/rpcnet.htm)), or the rules of the particular jurisdiction of your placement, apply to you.

E. **Confidentiality:**
   As a student enrolled in a clinical externship, you will most likely be working in a law office environment. You are bound by the same “attorney/client and other applicable” confidentiality rules as the staff at each placement site.

   While the accompanying clinical externship seminar will address confidentiality issues with you, please feel free to raise any questions or concerns that you may have with your direct supervisor or your seminar faculty. Many of the placements that host clinical externship students, such as the U.S. Attorney’s Office, have very strict standards of confidentiality.

   At the beginning of your externship, obtain the relevant rules for the placement regarding conflicts of interest and discuss any potential conflicts of interest with your supervisor, including any prior knowledge or legal work that you may have provided on behalf of an opposing party.
F. Unauthorized Practice of Law:
   You must not identify yourself as an attorney or give the impression to clients that you are an attorney, even though you have the responsibilities and obligations of an attorney. Always advise clients and others that you are a law student.

G. Student Certification:
   Student Certification is processed by the Student Services Office. Please contact Sharon Blumenstock at Sharon.blumenstock@bc.edu

   If court appearances are required for your clinical works, you will need to be certified to practice. In addition to the requirements outlined below, you must be in good standing with the university and have fulfilled all registration requirements, including having enough completed credits to be considered a 2L or 3L. The process of requesting certification may take up to 3 weeks.

   Student Practice in Civil Cases, State Courts- Under supreme Judicial Court Rule 3:03, second and third-year law students in a clinical program (including clinical externship programs) may be certified to appear in the courts of Massachusetts on behalf of indigent clients in civil matters. You must have completed, or be concurrently enrolled in a course for credits in evidence or trial practice.

   Student Practice in Criminal Cases, State Courts- Under Supreme Judicial Court Rule 3:03, only third-year students in a clinical program may be certified to appear in the Massachusetts courts in criminal matters on behalf of the Commonwealth of Massachusetts or on behalf of indigent clients. You must have completed, or be concurrently enrolled in, a course for credit in evidence or trial practice.

   Student Practice in Federal Courts- Under U.S. District Court Rule 83.5.1(b) for student practice, second or third-year law students may appear in civil proceedings when participating in a law school clinical instruction program under the supervision of a member of the district bar. In addition to the certification letter, students must also file with the court a certificate adhering to the rules of professional conduct and a document signed by the client authorizing the student to represent them in court. For criminal proceedings, students must have completed a course for credit in criminal procedure.
### Time Commitments:

<table>
<thead>
<tr>
<th>Externship</th>
<th>Terms Available</th>
<th>Clinical Credits</th>
<th>Seminar Credits</th>
<th>Hours per Week/12 weeks</th>
<th>Hours per Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal Practice Externship (Diverse Placements)</td>
<td>Fall, Spring</td>
<td>2 credits</td>
<td>1 credit</td>
<td>8 hours/week</td>
<td>96 hours/term</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3 credits</td>
<td></td>
<td>12 hours/week</td>
<td>144 hours/term</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4 credits</td>
<td></td>
<td>16 hours/week</td>
<td>192 hours/term</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5 credits</td>
<td></td>
<td>20 hours/week</td>
<td>240 hours/term</td>
</tr>
<tr>
<td></td>
<td></td>
<td>6 credits</td>
<td></td>
<td>24 hours/week</td>
<td>288 hours/term</td>
</tr>
<tr>
<td>Judicial Process-Appeals</td>
<td>Fall, Spring</td>
<td>5 credits</td>
<td>1 credit</td>
<td>20 hours/week</td>
<td>240 hours/term</td>
</tr>
<tr>
<td>Judicial Process-Trials</td>
<td>Spring</td>
<td>5 credits</td>
<td>1 credit</td>
<td>20 hours/week</td>
<td>240 hours/term</td>
</tr>
<tr>
<td>Judge in Community Courts</td>
<td>Fall</td>
<td>2 credits</td>
<td>2 credits</td>
<td>8 hours/ week</td>
<td>96 hours/term</td>
</tr>
<tr>
<td>MA Department of Revenue</td>
<td>Spring</td>
<td>5 credits</td>
<td>2 credits</td>
<td>24 hours/week</td>
<td>240 hours/term</td>
</tr>
<tr>
<td>Government Lawyer</td>
<td>Spring</td>
<td>2 credits</td>
<td>2 credits</td>
<td>8 hours/week</td>
<td>96 hours/term</td>
</tr>
<tr>
<td>SIP- Diverse Placements</td>
<td>Fall, Spring</td>
<td>8 credits</td>
<td>3 credits</td>
<td>32 hours/ week</td>
<td>384 hours/term</td>
</tr>
<tr>
<td></td>
<td></td>
<td>10 credits</td>
<td></td>
<td>37.5 hours/week</td>
<td>450 hours/term</td>
</tr>
<tr>
<td>SIP- BC in DC</td>
<td>Fall</td>
<td>10 credits</td>
<td>3 credits</td>
<td>37.5 hours/week</td>
<td>450 hours/term</td>
</tr>
<tr>
<td>SIP- International Human Rights</td>
<td>Spring</td>
<td>10 credits</td>
<td>3 credits</td>
<td>37.5 hours/week</td>
<td>450 hours/term</td>
</tr>
<tr>
<td>SIP- London</td>
<td>Spring</td>
<td>10 credits</td>
<td>3 credits</td>
<td>37.5 hours/week</td>
<td>450 hours/term</td>
</tr>
<tr>
<td>MA Attorney General (year-long program)</td>
<td>Fall and Spring</td>
<td>10 credits (5 credits/semester)</td>
<td>4 credits (2 credits/semester)</td>
<td>20 hours/week</td>
<td>480 hours/year</td>
</tr>
</tbody>
</table>

### Holidays and Absences:

You are responsible for consistently working the number of hours each week throughout the semester except for Thanksgiving, December, and Easter holidays, and fall and spring breaks. Please coordinate in advance of these excused breaks with your supervisor to assure that all casework is covered during your absence.

If offices are closed for any local, state, or national holidays and you are unable to work at your placement, please discuss with your supervisor how you can make up the missed hours in order to complete the requisite number of externship hours.
Any unplanned hours missed from your weekly schedule must be made up within a reasonable period of time on a schedule developed with your supervisor.

If you are sick or otherwise unable to perform your externship for an extended period of time, please make certain to contact your supervisor to explain the situation and make arrangements regarding the missed work. Please also notify your Clinical Externship Seminar Faculty member so that s/he can help you.

**Working on-site:**

You are expected to work primarily on-site at the externship placement. Exceptions may be made with prior approval from the externship supervisor and seminar faculty.
**Semester in Practice (SIP):**

The basics: Semester in Practice is BC Law’s full-time immersion externship program. Semester in Practice (SIP) provides students with the opportunity to gain full-time professional experience for an entire semester at a private firm, a corporation, a non-profit or legal services organization, a court, or a government agency. SIP placements may be in Boston, throughout the US, or abroad. In addition to the placement, students enroll in an accompanying course taught by BC Law faculty.

All SIP Programs require that students extern at their placement for 35-40 hours/ week for 12 weeks. Students receive 10 externship credits. The externship is graded pass/fail. With permission, a student may request to spend 4 days/week at the placement and receive 8 externship credits. All students enrolled in a SIP Program are required to take the corresponding seminar course, graded, 3 credits. Satisfies the Lawyering Skills requirement. Class is limited to 15 students.

The seminar course: Throughout the seminar course, students analyze the lawyering process through readings, discussion, and student presentations. Students are asked to prepare written assignments in which they reflect on their experience and readings, and to keep a journal. The seminar faculty monitors individual placements to ensure the supervising attorney is providing a significant educational experience including: feedback on work product, planned work assignments, and exposure to the various aspects of lawyering.

Grades: The seminar grade is based on evaluation of written and oral assignments and final paper; externship grade (pass/fail) is based on evaluation of fieldwork. Enrollment is limited to 15 students. There are no formal prerequisites. Students are strongly encouraged to take Professional Responsibility prior to SIP. Students with a GPA of 2.5 or below require special permission of the seminar faculty and Dean for Students prior to enrollment.

How to find a placement: When discerning whether to enroll in a SIP, it is important to consider how a SIP experience fits within your educational goals. You are required to meet with the seminar faculty or Associate Director of Externships, schedule an appointment here (hyperlink). Students are responsible for finding their own placement, with assistance from the faculty member and Associate Director of Externships.

Symplicity: Placements with government agencies, non-governmental organizations, private firms and corporations are posted on Symplicity throughout the year. There is also a database of past placements that can be accessed through the externship tab (link to webinar). For Federal Government externships, students should refer to the University of AZ- Government Honors and Internship Handbook (hyperlink)

Timing: Opportunities are posted throughout the year, with many placements posting opportunities a month before registration (for the Fall Semester in April, for the Spring Semester in November). Placements must be finalized by the first week of classes (see Appendix B, C).

SIP- Diverse Placements
SIP- BC in DC
SIP- International Human Rights
SIP- London
Legal Practice Externship Program (LPE):

The basics: Legal Practice Externship (LPE) permits students to extern part-time at local placements. Students, in consultation with their placement, may choose the number of hours per week at their placement and receives up to 6 externship credits. For every 4 hours spent at the placement per week for 12 weeks, students receive 1 credit (for one full-day per week for 12 weeks, a student received 2 credits). All students enrolled in LPE are required to take the corresponding LPE 1 credit, pass/fail seminar course. Satisfies the Lawyering Skills requirement.

The Associate Director of Externships and course instructor monitors each placement as necessary to ensure that the placement supervisors are providing a significant educational experience, including legal work product, specific legal assignments, and the discussion of legal principles and skills.

The seminar course: Meets biweekly to discuss issues commonly arising in the legal profession. The seminar grants one pass/fail credit based on the student’s performance in class. Readings for the class will be provided by the instructor. Topics may include: (1) elements of success for junior lawyers and legal interns; (2) issues of ethics and confidentiality; (3) the role of the lawyer in private practice; (4) the role of the in-house lawyer; (5) the role of the lawyer in a public practice; and (6) the goal of professionalism. Each student will be required to make one oral presentation to the seminar concerning a project or issue arising in his or her placement, with due regard for client confidentiality.

Grades: Both the Externship and Seminar are graded on a pass/fail basis. The Externship based on the student’s work at the placement and the Seminar based on the student’s performance in class.

How to find a placement: When discerning whether to enroll in LPE, it is important to consider how a LPE experience fits within your educational goals. We recommend that you meet with the seminar faculty or Associate Director of Externships, schedule an appointment here (hyperlink). Students are responsible for finding their own placement, with assistance from the faculty member and Associate Director of Externships.

Symplicity: Placements with government agencies, non-governmental organizations, private firms and corporations are posted on Symplicity throughout the year. There is also a database of past placements that can be accessed through the externship tab (link to webinar).

Timing: Opportunities are posted throughout the year, with many placements posting opportunities a month before registration (for the Fall Semester in April, for the Spring Semester in November). A placement must be finalized and all required written approvals obtained by the first week of classes of that semester (see appendix A).
Specialized Externship Programs:

**MA Attorney General** - Full-year course, 14 credits (7 [5 plus 2] credits Fall; 7 [5 plus 2] credits Spring, Pass/Fail); 3L’s only Co-requisites: Students register for two components at a time – LAWS8856 and LAWS8858 – AG Program and AG Program Seminar – in the fall and the same again in the spring. Satisfies Lawyering Skills and Upper Level Writing requirements. Class is limited to 12 students.

The externship: provides an intensive full-year clinical experience in civil litigation in the Government Bureau of the Massachusetts Office of the Attorney General (AGO). Students practice under the supervision of one of two faculty members who are assistant or special assistant attorneys general in that Bureau. Students work directly with Bureau attorneys in the representation of state agencies and officials in state and federal courts. The clinic teaches litigation skills and strategy and includes the following types of legal work: (1) the drafting of pleadings, motions, discovery requests and responses, and other litigation documents; (2) legal research and writing of briefs in the trial and appellate courts; (3) oral argument in the state courts; and (4) other litigation tasks including taking and defending depositions. Students will be expected to do a significant amount of legal writing. Pursuant to Rule 3:03 of the Supreme Judicial Court, students may argue orally in Superior Court on behalf of state agencies. Students should plan to be eligible for certification under Rule 3:03 at the beginning of the fall semester. Students will be assigned to one of two Divisions in the Government Bureau, either the Administrative Law Division or the Trial Division.

Students assigned to the **Administrative Law Division** will work on a variety of court cases involving administrative and constitutional law, federal courts, and statutory construction. Students assigned to the **Trial Division** will work on a variety of cases involving employment, tort, contracts and eminent domain and land use law. Students receive written and oral comments on their memoranda and written evaluations of their performance.

The seminar course: is a weekly two-hour seminar on litigation skills, substantive law topics, and the discussion of student work. Some of the seminars will be conducted jointly with the students assigned to both divisions; other seminars will be specific to each division. Topics include state and federal jurisdiction, the substantive law practiced in each division, drafting litigation documents, motion practice, discovery and depositions, trial preparation, appellate practice, and the role of state attorneys general.

**Application:** Students will be invited to submit materials on Symplicity one month before registration for Fall courses. Each student selected is subject to (1) a background check conducted by the AGO and (2) the AGO “Intern/Clinical Student Conflict of Interest Statement,” which is available in the application materials distributed by BC Law.

**Judicial Process- Appeals**- One semester (Fall or Spring), 6 credits (5 clinical credits, pass/fail; 1 classroom credit, graded). Satisfies Upper Level Writing requirement. Class is limited to 6 students.

The externship: students will work two-and-a-half days a week for a Judge in the Massachusetts Appeals Court. Students will be selected by the individual Judge after an application and interview process. It is expected that students will assist the judges in writing appellate decisions and/or bench memos, and will help prepare the judges for oral argument. Students will also have an opportunity to observe appellate oral arguments, read briefs, and work closely with the judges’ law clerks.
The seminar course: will meet every other week, and will focus on various topics involving appellate legal doctrines, appellate procedure, and appellate clerkships.

Application: Students will be invited to submit materials on Symplicity. Judges will select students for interviews and make offers. If offered an externship from a Judge, you are expected to accept.

Judicial Process- Trials- Spring semester, 6 credits (5 clinical credits, pass/fail; 1 classroom credit, graded). Satisfies Lawyering Skills requirement. Class is limited to 6 students.

The externship: allows a student to sit as an intern two days per week with a Massachusetts Superior Court Judge (Trial Court). This is a unique opportunity to sit with a trial judge in both civil and criminal proceedings. Ideally the student will spend one day per week on assignments and the other day observing. The students will act as law clerks. Students will be assigned to individual judges. Typical assignments will include: (a) reviewing case files and briefing the judge, either verbally or by bench memoranda, to prepare the judge for oral arguments; (b) researching memoranda on specific legal issues, including those that arise during trial; and (c) drafting decisions on dispositive and other motions. Once students receive an assignment, they will work directly with the judge on the assignment. Students will therefore have the opportunity to observe and work directly with a judge and learn her perspectives. Judges will be encouraged to discuss cases with students and provide them with feedback. Readings will be assigned in preparation for bi-weekly two hour seminar meetings, which will be used to discuss various aspects of the judicial process in light of the students' actual courtroom and lobby experiences.

The seminar course: will discuss following: Selection and Discipline of Judges; Role of the Jury; and a Critique of the Adversary System. No final exam; grade based on weekly reports and class participation.

Application: Students will be selected for this course on the basis of résumé, and written statement of purpose. Some preference will be given to those students who have not had a clinical experience. Students with clinical experience should still apply.

The Judge and the Community Courts- One semester (Fall), 4 credits (2 classroom credits, graded; 2 clinical credits, pass/fail). Prerequisites: None. Satisfies Lawyering Skills and Upper Level Writing requirements. Class is limited to 20 students by lottery. A 20 page paper describing an aspect of the judiciary's work in these courts is required and serves as the basis for each student's grade.

The externship: students undertake this study of lower court judicial performance through clerkship-like, fieldwork placements with individual Justices of the District Court, Boston Municipal Court, Juvenile Court, and Housing Court Departments of the Massachusetts Trial Court. These justices are expected to assign research and writing projects to their students. Students are expected to observe and assist their assigned Judge approximately eight hours per week (two mornings or one full day) for which they will receive two pass/fail credits.

The seminar course: focuses on the interaction between the local court and the community it serves, with a view toward evaluating the role of decentralized, neighborhood-oriented courts in contemporary society. Students have the unique opportunity to observe and discuss the work of their assigned judges in a clerkship-type role. The contributions of various scholars to understanding these courts is reviewed, as well as distinct proposals for increasing judicial accountability, citizen participation, and court reform.
Particular attention is paid to use of ADR in the courts and the expansion of “treatment courts” like drug court, veterans’ court, and the new homelessness court.

**MA Department of Revenue (DOR)** - Prerequisite/Co-requisite: None; students wishing to be certified under the Massachusetts Student Practice Rule must take or have taken Evidence or Trial Practice. Tax I strongly encouraged. Satisfies Lawyering Skills requirement. Class is limited to 8 students. Students will be subject to a background check conducted by DOR and training in ethics and confidentiality.

The externship: provides an intensive one-semester clinical experience in the Legal Division of MA DOR for 24 hours per week. Students will be expected to come to DOR three full days per week, typically Mondays, Wednesdays and Fridays, but each student’s precise schedule will be determined on an individual basis. Students practice under the general supervision of an adjunct professor who is a full-time attorney for DOR, and work directly with Legal Division attorneys handling cases involving state taxation of individuals, corporations, and other entities, and related federal issues. The goal of the clinic is to provide in-depth exposure to the practice of state tax law, including principles of administrative law, constitutional law, federal tax law and other disciplines as relevant.

The seminar course: focuses on state tax law, tax policy, and the litigation of tax controversies at the Massachusetts Appellate Tax Board and in state and federal courts. The course instructor offers a weekly two-hour seminar at the DOR office. The syllabus for the seminar includes topics in substantive state tax law (including principles of administrative law, constitutional law and federal tax law, as relevant), litigation practice topics, legal writing and analysis, professional ethics, exploration of the role of the government lawyer, and similar subjects. The seminar is graded on a pass/fail basis.

**Application:** Students will be invited to submit materials on Symplicity one month before course registration. Interviews will be conducted by DOR attorneys.

**Government Lawyer** - Prerequisite/Co-requisite: None; students wishing to be certified under the Massachusetts Student Practice Rule must take or have taken Evidence or Trial Practice. Satisfies Lawyering Skills requirement.

The externship: provides a clinical externship experience of approximately 10-15 hours per week in the Superior Court Division of the Middlesex District Attorney’s Office. Each student will be paired with one or more prosecutors and will assist prosecutors with trial preparation, legal research and writing, motion practice, and interviews of police officers and civilian witnesses. Students may be assigned to the Appeals Bureau to assist in the preparation of appellate briefs or to the Grand Jury Director to observe and assist in the presentation of cases to that body. The seminar grade will be based on a paper and classroom participation.

The seminar course: looks at the role of the prosecutor in the adversarial system and discretionary and ethical decisions that prosecutors face in their work. Specific topics that are addressed include; charging decisions, pretrial publicity and the media, investigations and the use of the grand jury, trial tactics and preparation, sexual assault cases, child abuse cases, gun and drug cases, homicide cases, gang cases, cyber-crime cases, white-collar cases, the use of informants and cooperating witnesses, sentencing issues, and the federalization of crime.

**Application:** Students will be invited to submit materials on Symplicity one month before course registration.