



# **EXTERNSHIP PROGRAM HANDBOOK FIELD SUPERVISOR**



**2022-2023**

## **WELCOME AND INTRODUCTION**

**Welcome to the University of Arkansas School of Law Externship Program. This Handbook provides information about the Program, its objectives, requirements, and the responsibilities of the parties involved.**

**The Externship Program provides law students with opportunities to gain practical, hands-on experience before graduation. Field Supervisors are a fundamental aspect of the Program, and its future success depends upon the continued interest and support of sitting judges and licensed attorneys working in traditional and non-traditional environments. The School of Law appreciates the time you invest in the Program to guide and mentor our students.**

**Should you have any questions concerning this Handbook or the Externship Program, please contact Ashley Menendez, the Director of Externships at:**

**Ashley Menendez  
Director of Externships  
[menendez@uark.edu](mailto:menendez@uark.edu)  
(479) 575-4581**

## EXTERNSHIP PROGRAM OVERVIEW

The University of Arkansas School of Law (School) Externship Program (Program) provides students with opportunities to gain valuable hands-on experience in a variety of Program fields, while earning academic credit. Externships are generally available to second and third year law students who are in good standing, and who, preferably, have completed or are concurrently enrolled in Professional Responsibility. Some externships may have additional requirements, as needed, to enhance the externship experience.

### PROGRAM COMPONENTS

The Externship Program consists of two required components:

1. Practical skills development through students' field work at their externship placement; and
2. An academic course component involving faculty mentoring/supervision and guided student reflection.

The Program and these components are managed and maintained in compliance with the American Bar Association (ABA) Standards 301, 302, 303(a)(3), and 304(c), as well as University policies governing Discrimination, ADA and Sexual Harassment, which Standards and policies are located in the Appendix at A-1, A-2, A-3, A-4, A-5, A-6 and A-7, respectively. In addition, the School of Law is cognizant of Fair Labor Standards Act (FLSA) concerns and works with placement entities to comply with FLSA guidelines on internship field placement programs. (FLSA Fact sheet #71 as updated January 2018 is also included in the Appendix at A-8.)

### PRACTICAL SKILLS DEVELOPMENT (THE FIELD EXPERIENCE)

In the field, externs experience the manifestation of theory learned in the classroom in real time situations. This kind of experience allows externs to develop practical skills through a combination of three types of opportunities: hands-on, observation, and networking.

Hands-on tasks constitute a primary, *active* learning tool for externs, because externs experience for themselves the necessity of time management skills and effective multi-tasking. In addition, externs have the opportunity to test skills they have learned in the classroom to know how effectively they are able to execute them. The types of hands-on tasks vary with the respective placements, but generally include document review, research, drafting of documents (such as, formal and informal memoranda, bench briefs, judicial orders, simple contracts, deeds, warranties, pleadings, motions, discovery documents, correspondence, etc.), preparation of training materials and presentations, to name a few.

Observation is a critical component of the field experience, as it demonstrates to externs how matters are handled by attorneys in real time. This is especially helpful to orienting externs to the placement and to proceedings or functions with which externs are likely not familiar. The types of observation opportunities appropriate for externs include court proceedings (e.g. hearings, trials, in-chambers conferences), administrative hearings, teleconferences, mediations, client meetings, meetings with inside and outside counsel, negotiations, closings, etc. Keep in mind, however, that because observation is a form of *passive* learning, externs' exposure in any placement should include more than just this type of experience.

Networking is the third pivotal experience to which externs should be exposed. Meeting with the various individuals who help make certain legal environments run smoothly (such as bailiffs, court reporters, trial assistants, court clerks) are essential for externs to learn their way around a courthouse and become familiar with judicial chambers. Similarly, visiting with attorneys who cover different areas of law or responsibility within a given placement provides externs with an enlarged vista of what they can do with their law degrees. And networking allows externs to make connections for the future, a very important element of professional success.

In a time when bench and bar are seeking new lawyers who can get off the ground running, incorporation of all three areas of hands-on tasks, observational opportunity, and networking exposure is crucial to a successful externship experience.

The Program is administered by the School's Director of Externships (Director), who is a full-time faculty member. The Director is responsible for overseeing all aspects of the Program, which includes serving as the primary Faculty Supervisor, selecting and evaluating placement sites and Field Supervisors, approving students to participate in the Program, placing students with a Field Supervisor, meeting with externs on a regular basis (either individually or in groups) reviewing timesheets, journals and other course assignments, conducting site visits as appropriate, reviewing field evaluations, consulting with Field Supervisors and determining whether externs receive credit upon completion of their externships.

### **ACADEMIC COURSE COMPONENT**

To ensure and measure the educational benefit of the field placement, externs are also engaged in an academic course component and evaluated by a Faculty Supervisor. This evaluation is based on submitted assignments, including activity/hour logs, written reflections on the field experience, and periodic individual and group meetings.

## **EXTERNSHIP PROGRAM LEARNING OUTCOMES**

Law students are offered externship placements to enrich and complement their formal legal education, to expose them to both traditional and alternative careers, and to promote their professional development. Externships are designed to offer students the opportunity to observe *and* participate in a supportive learning environment.

The goals and educational objectives of the Externship Program are:

- Institutional Exposure & Evaluation

- Skills Development
- Performance & Self-Evaluation
- Professionalism & Professional Responsibility

Additional goals and objectives may be identified by the Field Supervisor and be applicable to specific externship placements.

### **INSTITUTIONAL EXPOSURE & EVALUATION**

Externs integrate doctrine, theory, skills and legal ethics in a real-world professional setting. Externs observe sophisticated aspects of litigation, criminal and civil process, legislative process, and legal issues faced by corporate counsel, compliance attorneys, criminal prosecutors and defenders, government and public interest attorneys, as well as judges, on a daily basis. Additionally, externs gain familiarity with the structure, procedure, and professional environment of various settings in which attorneys use their legal training.

### **SKILLS DEVELOPMENT**

Externs use hands-on and observational tasks to develop and hone hard skills in legal reasoning and analysis, legal research, problem-identification and problem-solving, negotiation, interviewing, factual investigation, organization and management of legal work, as well as oral and written communication. In addition, they use their on-site tasks to help develop interpersonal skills, such as demeanor, dress, voice tone and level listening, etc.

### **PERFORMANCE & SELF-EVALUATION**

Externs have multiple opportunities to perform and self-evaluate by engaging in work assigned by the Field Supervisor, tracking their activities, and reflecting on their performance and progress towards their goals.

### **PROFESSIONALISM & PROFESSIONAL RESPONSIBILITY**

Externs develop their professional identity by observing and exercising fundamental ethical principles alongside licensed attorneys. This includes analysis and application of legal ethics, ensuring compliance with the Rules of Professional Responsibility and all Program and School policies.

## **FIELD SUPERVISORS – REQUIREMENTS AND APPROVAL**

Field Supervisors are licensed attorneys who oversee the development of the externs' professional practical skills on-site, working with the externs to develop goals and measure progress. Field Supervisors also serve as mentors and teachers, providing timely feedback and career advice through the course of the placement.

### **MINIMUM QUALIFICATIONS**

All Field Supervisors in the Program must:

1. Be approved by the Director of Externships;

2. Hold a valid license to practice law and be in good standing in the jurisdiction of the placement; and
3. Have a minimum 3 years of legal experience in the area in which the extern is placed.

Field Supervisors in the Corporate Counsel Externship may be approved if they:

1. Hold a Juris Doctor (JD) degree from an accredited law school;
2. Have a minimum of 3 years of experience in either a JD-required or JD-preferred position, or a combination of both; and
3. Either (A) hold a valid license to practice law and are in good standing or (B) have a working relationship with one or more licensed attorneys who serve as legal counsel to the placement.

### **FIELD SUPERVISOR APPROVAL PROCESS**

Qualified attorneys who wish to participate as a Field Supervisor on an ongoing basis, as well as those interested in participating on a one-time basis, are encouraged to apply.

Attorneys interested in serving as a Field Supervisor in the Program must complete and submit the Proposed Field Supervisor Application located in the Appendix at A-9, along with a current resume.

Upon receipt of the application and resume, the Director will conduct an interview with the applicant attorney. This interview may be conducted in person, electronically, or by phone. Following review of the applicant attorney's materials and interview, the Director will provide written notice to the applicant attorney, advising whether the attorney has been accepted as a Field Supervisor in the Program.

## **GENERAL EXTERNSHIP PROGRAM TIMELINE**

<b>FEBRUARY (SUMMER/FALL)</b> <b>OCTOBER (SPRING)</b>	<b>PLACEMENTS INTERESTED IN HOSTING AN EXTERN SUBMIT EXTERNSHIP INTEREST FORM</b>
<b>MARCH (SUMMER/FALL)</b> <b>OCTOBER (SPRING)</b>	<b>STUDENTS SUBMIT APPLICATION MATERIALS TO PLACEMENTS</b>
<b>APRIL (SUMMER/FALL)</b> <b>OCTOBER (SPRING)</b>	<b>PLACEMENTS INTERVIEW SELECTED STUDENTS (IF CONDUCTING INTERVIEWS)</b>

<b>APRIL (SUMMER/FALL)</b> <b>OCTOBER (SPRING)</b>	<b>STUDENTS AND PLACEMENTS SUBMIT RANK ORDER LIST FOR EXTERNSHIP MATCHING</b>
<b>APRIL (SUMMER/FALL)</b> <b>NOVEMBER (SPRING)</b>	<b>CONSIDERING STUDENT AND PLACEMENT RANK ORDER LISTS, THE LAW SCHOOL MATCHES STUDENTS WITH PLACEMENTS</b>
<b>JANUARY (SPRING)</b> <b>MAY (SUMMER)</b> <b>AUGUST (FALL)</b>	<b>MEMORANDUM OF UNDERSTANDING AGREEMENT IS EXECUTED BY THE LAW SCHOOL, THE FIELD SUPERVISOR AND THE EXTERN</b>  <b>STUDENTS BEGIN FIELD WORK</b>

For term dates for each academic semester, the law school academic calendar can be found here:

<https://law.uark.edu/academics/academic-calendar.php>

## **RESPONSIBILITIES OF A FIELD SUPERVISOR**

Field Supervisors are responsible for teaching externs on-site and placing them in learning situations. As the Fair Labor Standards Act Fact Sheet (See Appendix at A-8) points out, Field Supervisors will not generally receive an immediate advantage from the activities of the externs; on occasion, operations may actually be impeded. Nevertheless, externs have value and are an excellent resource for their placement sites.

Under ABA Standard 304, which governs law students' field placement experiences at ABA accredited law schools, students earning credit for work outside of school must be provided with a "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, among other requirements:

- (i) Direct supervision of the student's performance by a ... site supervisor;
- (ii) Opportunities for performance, feedback from ... [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 students and in assuring the educational quality of the experience for the students, including clearly articulated method of evaluations of the students' academic performance...

For complete language of ABA Standard 304, see Appendix at A-4.

This handbook provides guidance for Field Supervisors to ensure that ABA requirements are fulfilled and that the experience meets expectations for both externs and field placements.

### **FIELD SUPERVISOR OBLIGATIONS TO THE LAW SCHOOL**

The Field Supervisor will:

1. Review and sign the University of Arkansas School of Law Externship Program Memorandum of Understanding (MOU, Appendix at A-10) that describes the educational objectives of the externship program and each party's role and responsibilities.
2. Ensure that externs are provided with substantial lawyering experience with opportunities to observe *and* participate in the work of the placement.
3. Ensure that a family member does not supervise an extern, directly or indirectly.
4. Ensure that externs fulfill their term obligations with the placement. Field Supervisor should not allow the extern to end the placement term early (even if the extern's cumulative hour obligation has been met) without approval from the Director of Externships.
5. Ensure that externs receive no compensation for their work and abide by the Field Placement Expense Compensation and Expense Reimbursement Policy where such reimbursement is available. See Appendix at A-11.
6. Communicate to the Director any concerns or problems with an extern's conduct or performance at the placement site or with the externship itself.
7. Provide periodic updates on externs as required by the Director to ensure that Program expectations are being met.
8. Provide periodic site updates as required by the Director to ensure that the Director has current information about placement activities and ability to meet Program expectations.
9. Allow periodic on-site visits or their equivalent by the Director or a designated Faculty Supervisor during each term.
10. Attend periodic training for Field Supervisors as required by the Director.
11. Complete an evaluation of the extern at the end of the placement term.

### **FIELD SUPERVISOR OBLIGATIONS TO EXTERNS**

***Plan to Develop Key Skills This Semester:***



Field placements are a valuable resource for developing key skills that law students should develop in order to make a successful transition from law school to the practice of law. As outlined in the Institute for Advancement of the American Legal System's 2016 *Foundations for Practice* (review the Foundations report online here: <https://iaals.du.edu/projects/foundations-practice>), these key skills and foundations include:

- Basic communication, including spoken, written and non-verbal communication, emotional intelligence and the ability to interact, collaborate and be agreeable to others to achieve best outcomes in a team setting
- Legal practice skills, such as the ability to execute fair and valid process and application of the law and the ability to engage in critical legal thinking and legal research
- Problem solving and resourcefulness
- Professionalism and ethics, including professional performance in a workplace setting
- Work ethic and dedication to professional development

***Plan for the Semester Before Your Extern Arrives:***

- Arrange for any required security clearance and background checks;
- Externs should reach out to you before the term begins to discuss regularly scheduled work hours. If your extern has not reached out to you, please reach out to them to discuss what days may be best for them to plan to be in the office;
- Review and sign the three-way Memorandum of Understanding between the Field Supervisor, student extern and the law school (will be executed electronically via Adobe Sign or DocuSign);
- Determine what desk, telephone, and computer the extern will use;
- Gather office keys. Restroom keys, copier codes, computer passwords, and office manuals that the extern might need;
- Determine for whom the extern will be completing assignments. If the extern has more than one supervisor, designate one who will provide oversight, help prioritize assignments, and serve as the primary point of contact for the extern and the Program;
- Determine which support staff the extern can rely upon, if needed;
- Request an office e-mail account, if appropriate;
- Inform office staff of extern's start date and work schedule and solicit potential assignments;
- Prepare a first assignment and gather the files, samples, and other materials the extern will need to get started;
- Identify a long-term assignment – due at or toward the end of the externship term – that the extern can fall back on when Field Supervisor is not available or when no other work is available; and
- Plan ahead for the extern to shadow supervisors at upcoming hearings, meetings or conferences.

***Conduct an Initial Meeting or Office Orientation with Your Extern:***

Each Field Supervisor should conduct an introductory meeting with the extern during the first week of the externship term. During this initial meeting, the Field Supervisor should:

- Discuss the extern's goals for the semester. If, in the Field Supervisor's opinion any goal discussed by the extern is not realistic or appropriate to the placement, the Field Supervisor should explain why and assist the extern in identifying a more reasonable goal. The Field Supervisor should also advise the extern of any goals the Field Supervisor has for the extern;
- Learn about the extern's interests;
- Discuss the mission of the placement site;
- Set expectations;
- Establish a work schedule;
- Discuss the attorney-client privilege as it applies to the placement;
- Discuss management of confidential or proprietary information;
- Discuss how to address schedule changes;
- Identify the go-to person when the Field Supervisor is unavailable;
- Provide an overview of the placement/department and its chain of command, with an organizational chart, if available;
- Notify the extern of any special office procedures/policies;
- Introduce the extern to the attorneys and staff in the placement/department.

***Review Your Extern's Goals from the Externship Professional Development Plan:***

Within the first few weeks of the semester, externs will submit a Professional Development Plan to the Director of Externships, setting out their goals for the externship. While externs are not required to submit their plans to their Field Supervisors, they are encouraged to share and discuss their semester goals with you.

***Maintain Open Communication and Provide Timely and Constructive Feedback:***

The primary goal of the Program is to provide students with opportunities to learn from hands-on experience. A large part of this learning process is asking questions and receiving feedback. Where at all possible, Field Supervisors should:

- Maintain an open-door policy and open avenues of communication with the extern;
- Provide for informal means of communication;
- Plan to meet with the extern at least biweekly (during shortened terms, such as summer externships, these meetings should be more frequent)
  - to ensure expectations are being met and
  - to provide constructive feedback

***Provide Practical Experience for Your Extern:***

Real time experience is essential to the Program. Consequently, externs should be exposed to a variety of responsibilities and experiences in the placement. To achieve this varied experience, the Field Supervisor may draw from the non-inclusive list of activities below.

- **Meetings.** The Field Supervisor should include the extern in meetings and attempt to set meetings during the extern's scheduled office hours. Meeting types could include, as available:

- Working meetings with colleagues
- Client meetings
- Teleconferences with outside counsel or other business-related individuals
- Strategy sessions
- Case reviews
- Department/staff meetings
- Chambers conferences

- **Assignments.** As law students, externs' exposure to the law is mostly academic. Therefore, one goal of the externship program is to expose externs to the actual practice of law. Examples of assignments include:

- Research and writing projects, addressing issues that arise in the course of the placement's business;
- Research and summary of legislative activity;
- Assisting in the development of policies;
- Attending deposition preparations and depositions
- Drafting/editing/updating documents (judicial orders, bench memoranda, leases, pleadings, discovery, pencil files, titles, etc.);
- Drafting/editing/updating compliance and training procedures;
- Assisting in the preparation and presentation of reports and CLE programs;
- Reviewing legal documents (docket files, case files, governance documents, contracts, proposals, etc.);
- Drafting legal correspondence;
- Creating outreach materials for public education.

***The Field Supervisor should also have a long-term project on which the extern may work during those times when the extern has completed an assigned task and the Field Supervisor is not available to assign new tasks.***

- **Networking.** During the externship, the Field Supervisor should use information from the extern's Goals Memo and from discussions about the extern's interests and career goals to assist the extern in identifying networking opportunities.

***Conduct an Exit Interview with Your Extern and Complete Your Final Evaluation:***

At the end of the externship, the Field Supervisor should schedule an exit interview with the extern, during which the Field Supervisor should discuss the extern's experience, performance, and evaluation. During this meeting, the Field Supervisor should address the extern's strengths, weaknesses, professionalism, as well as the improvement the Field Supervisor has observed over the course of the placement. The Field Supervisor may also offer suggestions about how the extern may appropriately represent the experience on a resume to prospective employers.

The Director of Externships will send you an evaluation form to complete at the end of the externship term. Evaluations are completed in 12Twenty, the Law School's Career Management Software. If your evaluation indicates that your student

extern did not meet your expectations, the student may receive a failing grade on the pass/fail portion of their externship course credit. The Director of Externships evaluates student performance and assigns a passing or failing grade in the field work component in consultation with the field supervisor.

***Additional Relevant Guidelines:***

***Review Activity Logs.*** Field Supervisors may review externs' Hour Logs to verify proper recording of tasks and time by the externs and to avoid inadvertent disclosure of confidential information.

***Use of Commercial Search Engines.*** Westlaw permits an extern to access his or her Westlaw account for placement-related research provided the extern is not compensated for the externship and receives academic credit. Lexis does not permit an extern to access his or her student account for placement-related research, unless the company grants specific permission (for example, across-the-board summer access.) Bloomberg permits an extern to access his or her Bloomberg account with restriction.

***Student Travel.*** Externs are allowed to travel during their placements; however, University policy requires that the School of Law purchase travel insurance when: (1) Externs travel 30 or more miles, one-way, whether driving or riding, from their home to the placement site or other site where their externship will be performed; OR (2) Externs who, upon arrival at the placement site, travel 30 or more miles, whether driving or riding, beyond the placement site, as part of their externship experience.

***Externs are required to notify the Director, in advance of the travel, if they fall within either category, so the requisite insurance is in place prior to such travel. Field Supervisors should notify externs in advance of any potential opportunities to travel. In addition, Field Supervisors should confer with their employer as to the necessity of reporting an extern's travels.***

## EXTERN OBLIGATIONS – TERM AND WORK HOURS

Externs are expected to complete all tasks required by both the Field Supervisor and the Faculty Supervisor.

### Required Hours

To receive academic credit, externs must complete the required hours of work on-site as follows over the course of the semester:

Externship Type	Credit Hours	Field Work Hours Required Over the Term
Capstone	Variable 5-12 credits	Variable 250-600 hours (generally 50 field work hours per credit hour)
Corporate Counsel	4 credits	224 hours
Criminal Defense	3 credits	168 hours
Criminal Prosecution	3 credits	168 hours
Government	3 credits	168 hours
Judicial	3 credits	168 hours
Public Interest	3 credits	168 hours
Legislative	3 credits	168 hours

During the fall and spring semesters, externs are expected to be on-site from the beginning of classes through the last week of classes except for Thanksgiving week in the Fall semester or Spring Break in the Spring semester (14 weeks in total). Externs are generally expected to work the full externship term, even if the minimum required hours may be reached by an earlier date. With approval from the Director of Externships and the Field Supervisor, students may end the externship term no earlier than one week early.

During the summer, externs are expected to be on-site for the full 10-week term.

Full-time, 12 credit hour Capstone externs generally work all 15 weeks of the fall and spring semesters. In the summer, however, the number of weeks on-site is dependent on the number of credits to be awarded.

***Externs must complete the full term of the placement (even if they have completed their minimum hour obligation) unless a shorter term is approved by the Director of Externships and the Field Supervisor.***

## **WITHDRAWAL FROM EXTERNSHIP PROGRAM**

### **Field Supervisor**

The School relies on Field Supervisors to honor their placement commitments but realizes that, in some instances, it is impossible and/or impractical to continue as a Field Supervisor. In cases where a Field Supervisor:

- a. Leaves the placement to transfer to another department/area with the same placement entity, the extern should be offered the opportunity to transfer with the Field Supervisor if:
  - 1. The placement site agrees to the transfer of the extern, and
  - 2. The Director approves the transfer; or
- b. Becomes unable to fulfill the Field Supervisor obligations to the Program or leaves the placement entity, the Director shall work with the placement entity and the extern, as appropriate, to provide a reasonable solution consistent with the goals and requirements of the Program.

### **Extern**

The School expects externs to honor their placement commitments. Recognizing, however, that unforeseen circumstances arise which may cause an extern to withdraw from the extern's placement, the school, in consultation with the placement host, may release the extern from the externship commitment.

Externs may not solicit a different placement after they have accepted a placement offer. Any change must be approved in advance by the Director, in conjunction with the Field Supervisor and placement entity.

## **EXTERNSHIP PROGRAM CONTACTS**

**Ashley Menendez**

Director of Externships

University of Arkansas School of Law

1045 Maple St

Waterman Hall, Room 264

Fayetteville, AR 72701

[menendez@uark.edu](mailto:menendez@uark.edu)

Phone: (479) 575-4581

**Terri Chadick**

Director of Career Services

University of Arkansas School of Law

1045 Maple St.

Waterman Hall, Room 191

Fayetteville, AR 72701

[tchadick@uark.edu](mailto:tchadick@uark.edu)

Phone: (479) 575-6378

**Emily Juarez**

Law School Career Counselor

University of Arkansas School of Law

1045 Maple St.

Waterman Hall, Room 191

Fayetteville, AR 72701

[ekjuarez@uark.edu](mailto:ekjuarez@uark.edu)

**Robin H. Coker**

Career Services/Externships Assistant

University of Arkansas School of Law

1045 Maple St.

Waterman Hall, Room 186

[rhcoker@uark.edu](mailto:rhcoker@uark.edu)

Phone: (479) 575-2931

## **APPENDICES**



## **AMERICAN BAR ASSOCIATION: STANDARD 301**

### **Standard 301. OBJECTIVES OF PROGRAM OF LEGAL EDUCATION**

- (a) A law school shall maintain a rigorous program of legal education that prepares its students, upon graduation, for admission to the bar and for effective, ethical, and responsible participation as members of the legal profession.
- (b) A law school shall establish and publish learning outcomes designed to achieve these objectives.

## **AMERICAN BAR ASSOCIATION: STANDARD 302**

### **Standard 302. LEARNING OUTCOMES**

A law school shall establish learning outcomes that shall, at a minimum, include competency in the following:

- (a) Knowledge and understanding of substantive and procedural law;
- (b) Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context;
- (c) Exercise of proper professional and ethical responsibilities to clients and the legal system; and
- (d) Other professional skills needed for competent and ethical participation as a member of the legal profession.

## AMERICAN BAR ASSOCIATION: STANDARD 303

### Standard 303. CURRICULUM

- (a) A law school shall offer a curriculum that requires each student to satisfactorily complete at least the following:
  - (1) one course of at least two credit hours in professional responsibility that includes substantial instruction in rules of professional conduct, and the values and responsibilities of the legal profession and its members;
  - (2) one writing experience in the first year and at least one additional writing experience after the first year, both of which are faculty supervised; and
  - (3) one or more experiential course(s) totaling at least six credit hours. An experiential course must be a simulation course, a law clinic, or a field placement. To satisfy this requirement, a course must be primarily experiential in nature and must:
    - (i) integrate doctrine, theory, skills, and legal ethics, and engage students in performance of one or more of the professional skills identified in Standard 302;
    - (ii) develop the concepts underlying the professional skills being taught;
    - (iii) provide multiple opportunities for performance; and
    - (iv) provide opportunities for self-evaluation.
- (b) A law school shall provide substantial opportunities to students for:
  - (1) law clinics or field placement(s); and
  - (2) student participation in pro bono legal services, including law-related public service activities.

## **AMERICAN BAR ASSOCIATION: STANDARD 304**

### **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 ABA Standards and Rules of Procedure for Approval of Law Schools 2017-2018 18 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.

## **NON-DISCRIMINATION**

The University of Arkansas prohibits discrimination against and harassment of its students, faculty, and staff, or any applicant for employment. It is the policy of the University of Arkansas to provide an educational and work environment in which thought, creativity, and growth are stimulated, and in which individuals are free to realize their full potential through equal opportunity. The university should be a place of work and study for students, faculty, and staff, that is free of all forms of discrimination, sexual intimidation and exploitation. Therefore, the University of Arkansas is committed to providing equal opportunity for all students and applicants for admission and for all employees and applicants for employment regardless of race, age, gender, sex (including pregnancy), religion, national origin, marital or parental status, disability, veteran status, sexual orientation, gender identity or any other characteristic protected under applicable federal or state law. In addition, discrimination in employment on the basis of genetic information is prohibited.

This policy will be followed in all employment and academic decisions, including, but not limited to recruiting, hiring, determination of pay, promotions, University-sponsored training programs, transfers, layoffs, returns from layoff, demotions, terminations, social and recreational programs, use of University facilities, fringe benefits, and treatment as individuals. It is to be implemented throughout the campus and is the responsibility of all departments and all personnel, supervisory and non-supervisory.

It is the responsibility of the University of Arkansas' Office of Equal Opportunity and Compliance (OEOC) to investigate and resolve all allegations of discrimination on the basis of race, age, gender, national origin, religion, disability, veteran status, marital or parental status, genetic information, gender identity and sexual orientation. For more information or to report allegations of discrimination, contact: Office of Equal Opportunity and Compliance, Phone: 479- 575-4019, TDD: 479-575-3649 or [titlevii@uark.edu](mailto:titlevii@uark.edu).

University policy and federal law prohibits any form of retaliation against persons who make a complaint of discrimination and/or harassment, or who participates in an investigation of alleged discrimination and/or harassment. Retaliation against an individual who complains of discrimination and/or harassment, or who participates in an investigation relating to such allegations, is, in itself, a violation of University policy and the law, and is a serious and separate offense.

The OEOC is also responsible for planning and implementing the University of Arkansas' affirmative action plan and monitoring affirmative action-related decisions and activities in accordance with state and federal law. In the vocabulary of equal employment opportunity, affirmative action signifies a positive, continuing, result-oriented program developed by an employer to assure meaningful employment opportunities to all segments of the community and more specifically to minority group members, women, and others who have been discriminated against in the past. It contrasts with simple non-discrimination which implies a more passive observance of equal opportunity.

The concept of affirmative action assumes that discrimination in employment is likely to be a structural problem built into policies and practices which on the surface do not appear to be discriminatory, but which in fact have created barriers to employment and promotion for women and minority groups. The University of Arkansas' Affirmative Action Plan sets forth specific result-oriented procedures to which the University commits itself in order to overcome such institutional barriers to equal employment

opportunity. It also establishes an organizational structure for developing future goals and procedures and for assuring that all efforts are made to meet these goals on an on-going basis.

The University commits itself to a policy of equal employment opportunity and to a program of affirmative action not solely because of legal requirements, but because it believes that such practices are basic to human dignity. Further information about the University's affirmative action programs and about state and federal laws prohibiting discrimination is available in the Office of Equal Opportunity and Compliance.

## **AMERICANS WITH DISABILITIES ACT (ADA)**

The University of Arkansas, School of Law, is committed to a policy of ensuring that no otherwise qualified individual with a disability is excluded from participation in, denied the benefits of, or subjected to discrimination in University programs or activities due to his or her disability. The Office of Equal Opportunity and Compliance provides information relating to accommodations under the American Disabilities Act (ADA) and monitors ADA accommodations for faculty and staff.

<http://www.ada.gov/>



## **SEXUAL HARASSMENT POLICY**

It is the policy of the University of Arkansas to provide an educational and work environment in which thought, creativity, and growth are stimulated, and in which individuals are free to realize their full potential. The University should be a place of work and study for students, faculty, and staff, which is free of all forms of sexual intimidation and exploitation. Therefore, it is the policy of the University of Arkansas, to prohibit sexual harassment of its students, faculty, and staff and to make every effort to eliminate sexual harassment in the University.

The University's prohibition of sexual harassment applies to members of the University community, to visitors to the campus, and to contractors and others who do business with the University or who use University facilities. The policy prohibiting sexual harassment applies regardless of the gender of the harasser or of the person being harassed. The policy applies to sexual harassment which takes place in any relationship, including both those involving a power differential and those between peers, colleagues, and co-workers. The University policy prohibits sexual harassment between or among students, faculty, staff, and others visiting or conducting official business on campus, and in all areas of the University's work and educational environments.

Sexual harassment of employees is a form of sexual discrimination prohibited by Title VII of the Civil Rights Act of 1964. Sexual harassment of students is a violation of Title IX of the Education Amendments of 1972. These laws apply to both the University and to individuals. Those who engage in sexual harassment may be subject to legal consequences, including civil and criminal penalties and monetary damages.

Sexual harassment subverts the mission of the University and threatens the careers, educational experience, and well-being of students, faculty, staff, and visitors to the campus. In both obvious and subtle ways, sexual harassment is destructive to individual students, faculty, staff, and the academic community as a whole. Sexual harassment blurs the boundary between professional and personal relationships by introducing a conflicting personal element into what should be a professional situation. When, through fear of reprisal, a student, staff member, or faculty member submits or is pressured to submit to unwanted sexual attention, the university's ability to carry out its mission is seriously undermined.

Sexual harassment is especially destructive when it threatens relationships between teachers and students or supervisors and subordinates. Through control over grades, salary decisions, changes in duties or workloads, recommendations for graduate study, promotion, and the like, a teacher or supervisor can have a decisive influence on a student's, staff member's, or faculty member's career at the university and beyond. Sexual harassment in such situations constitutes an abuse of the power inherent in a faculty member's or supervisor's position.

To view the entire policy, go to <https://provost.uark.edu/faculty-handbook>.

# THE FAIR LABOR STANDARDS ACT

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

This fact sheet provides general information to help determine whether interns and students working for “for-profit” employers are entitled to minimum wages and overtime pay under the Fair Labor Standards Act (FLSA).<sup>1</sup>

### Background

The FLSA requires “for-profit” employers to pay employees for their work. Interns and students, however, may not be “employees” under the FLSA—in which case the FLSA does not require compensation for their work.

### The Test for Unpaid Interns and Students

Courts have used the “primary beneficiary test” to determine whether an intern or student is, in fact, an employee under the FLSA.<sup>2</sup> In short, this test allows courts to examine the “economic reality” of the intern-employer relationship to determine which party is the “primary beneficiary” of the relationship. Courts have identified the following seven factors as part of the test:

1. The extent to which the intern and the employer clearly understand that there is no expectation of compensation. Any promise of compensation, express or implied, suggests that the intern is an employee—and vice versa.
2. The extent to which the internship provides training that would be similar to that which would be given in an educational environment, including the clinical and other hands-on training provided by educational institutions.
3. The extent to which the internship is tied to the intern’s formal education program by integrated coursework or the receipt of academic credit.
4. The extent to which the internship accommodates the intern’s academic commitments by corresponding to the academic calendar.
5. The extent to which the internship’s duration is limited to the period in which the internship provides the intern with beneficial learning.
6. The extent to which the intern’s work complements, rather than displaces, the work of paid employees while providing significant educational benefits to the intern.
7. The extent to which the intern and the employer understand that the internship is conducted without entitlement to a paid job at the conclusion of the internship.

Courts have described the “primary beneficiary test” as a flexible test, and no single factor is determinative. Accordingly, whether an intern or student is an employee under the FLSA necessarily depends on the unique circumstances of each case.

If analysis of these circumstances reveals that an intern or student is actually an employee, then he or she is entitled to both minimum wage and overtime pay under the FLSA. On the other hand, if the analysis confirms that the intern or student is not an employee, then he or she is not entitled to either minimum wage or overtime pay under the FLSA.

### Where to Obtain Additional Information

This publication is for general information and is not a regulation. 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).

## Footnotes

<sup>1</sup> - The FLSA exempts certain people who volunteer to perform services for a state or local government agency or who volunteer for humanitarian purposes for 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 for public sector and non-profit charitable organizations, where the intern volunteers without expectation of compensation, are generally permissible.

<sup>2</sup> - *E.g., Benjamin v. B & H Educ., Inc.*, --- F.3d ---, 2017 WL 6460087, at \*4-5 (9th Cir. Dec. 19, 2017); *Glatt v. Fox Searchlight Pictures, Inc.*, 811 F.3d 528, 536-37 (2d Cir. 2016); *Schumann v. Collier Anesthesia, P.A.*, 803 F.3d 1199, 1211-12 (11th Cir. 2015); *see also Walling v. Portland Terminal Co.*, 330 U.S. 148, 152-53 (1947); *Solis v. Laurelbrook Sanitarium & Sch., Inc.*, 642 F.3d 518, 529 (6th Cir. 2011).

## Proposed Field Supervisor Application

To apply to participate as a Field Supervisor in the University of Arkansas School of Law Externship Program, please provide the following information and return the form, along with a current resumé, to Ashley Menendez, Director of Externships via email at [menendez@uark.edu](mailto:menendez@uark.edu).

### **Applicant Information**

Name & Title(s): \_\_\_\_\_

Business Address: \_\_\_\_\_

Business telephone: \_\_\_\_\_ Cell telephone (optional): \_\_\_\_\_

E-mail: \_\_\_\_\_

### **Applicant Credentials**

Jurisdiction(s) in which are you are licensed: \_\_\_\_\_

Are you in good standing in all jurisdiction(s) of licensure? ☐ Yes ☐ No  
If no, please attach explanation on a separate page.

Year you first passed a bar exam? \_\_\_\_\_

### **Placement Information**

Name of Student (if applicable): \_\_\_\_\_

Type of Externship: \_\_\_\_\_

Name of Placement Site: \_\_\_\_\_

Address (if different from above): \_\_\_\_\_

\_\_\_\_\_

Telephone (if different from above): \_\_\_\_\_ Fax: \_\_\_\_\_

Website address (if applicable): \_\_\_\_\_

Nature of business/practice/court/public interest: \_\_\_\_\_

Number of attorneys/judges: \_\_\_\_\_

Describe the experience the extern is likely to have. Include specific tasks the extern is likely to perform, networking opportunities likely to be available, and observational opportunities, such as meetings/hearings/conferences, likely to be offered. Also include any other information that may be relevant. Attach an additional page as necessary.

---

---

---

---

### **Extern Prerequisites**

Please indicate what requirements, if any, students must meet to be eligible for this externship placement.

Preferred GPA: \_\_\_\_\_ Preferred class rank %: \_\_\_\_\_ Preferred class level: \_\_\_\_\_

Course pre-requisites/co-requisites: \_\_\_\_\_

---

Particular skills desired (e.g., Westlaw/Lexis research skills, writing aptitude, etc.)

---

---

---

### **Statement of Undertaking by Proposed Field Supervisor**

By signing and submitting this application, I agree to abide by the policies and administration of the University of Arkansas School of Law Externship Program as outlined in the Field Supervisor Handbook.

Proposed Field Supervisor's Signature: \_\_\_\_\_

Name (printed): \_\_\_\_\_ Date: \_\_\_\_\_

#### **FOR DIRECTOR USE ONLY**

Approved \_\_\_\_\_

Declined \_\_\_\_\_

Date \_\_\_\_\_

Signature of Director of Externship Programs \_\_\_\_\_



UNIVERSITY OF  
ARKANSAS®

School of Law  
Externship Program

### MEMORANDUM OF UNDERSTANDING

Student Name: \_\_\_\_\_ Semester/Term: \_\_\_\_\_

Field Placement Organization: \_\_\_\_\_

Field Placement Supervisor Name: \_\_\_\_\_

Supervisor phone: \_\_\_\_\_

Supervisor email: \_\_\_\_\_

Faculty Supervisor: \_\_\_\_\_

### MEMORANDUM OF UNDERSTANDING

The University of Arkansas School of Law Externship Program provides participating law students with substantial lawyering experience that is reasonably similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks under supervision of an attorney as designated in the Faculty Policies. The externship includes opportunities for performance, feedback, self-evaluation, and networking to assist students in making progress toward individual and program learning goals.

Field Supervisor, Extern, and Faculty Supervisor agree as follows:

#### A. Field Supervisor Responsibilities

**Bar Admission/Qualification to Supervise.** Field Supervisor is a licensed attorney in good standing in the jurisdiction of the placement (or, in the case of a corporate business or compliance department, holds a Juris Doctor degree from an accredited law school) and has a minimum of 3 years of experience in the area in which Extern is placed. If there are multiple supervisors for Extern, at least one meets these requirements.

**Supervision.** Field Supervisor accepts primary responsibility for supervision of Extern at the placement site.

**Workspace/Tools.** Field Supervisor will provide Extern with a dedicated workspace and will provide access to the tools (telephone, computer, internet) and support necessary to complete assignments.

**Orientation.** Field Supervisor will ensure Extern is oriented to the placement and discuss office procedures, confidentiality, policies, and an overview of the work. Field Supervisor will meet with the Extern at the start of the semester to review Extern's goals/expectations for the Externship and should also indicate any goals/expectations Field Supervisor has for Extern.

**Term.** The term is presumed to be on site. However, with approval of the placement and the Director of Externships, the term may be completed remotely, or in a combination of on site and remote work. Field Supervisor will not allow Extern to end placement term early (even if Extern's cumulative hour obligation has been met) without approval from the Director of Externships.

**Substantial Lawyering Experience.** Field Supervisor will provide Extern with substantial, challenging, and varied legal work that offers a substantial lawyering experience that is reasonably similar to the experience of a lawyer advising or

representing a client or engaging in other lawyering tasks. When possible, Field Supervisor will allow Extern to participate in or observe staff meetings, client meetings, court proceedings, etc.

**Assignments.** In assigning work, Field Supervisor will clearly describe the task to be completed, set forth objectives, and discuss the relationship of Extern's work to the larger substantive procedural and/or practical issues pertaining to the matter assigned. Field Supervisor will give Extern clear deadlines for assignments and guidance on managing the workload.

**Limiting clerical work.** Field Supervisor will not assign clerical tasks other than those regularly undertaken by attorneys at the placement (e.g., filing, photocopying, errands, etc.).

**Feedback.** Field Supervisor will meet with Extern weekly and as needed to provide support and feedback on assignments. Field Supervisor will strive to provide meaningful feedback on assignments or legal tasks as quickly as possible.

**Final Evaluations.** Field Supervisor will complete an end of semester evaluation of Extern on the form provided by the Director of Externships. Field Supervisor will conduct an end of semester exit interview with Extern.

**Communication with Director.** Field Supervisor will maintain communication with the Director of Externships regarding any relevant issues related to Extern, Field Supervisor, and/or the placement site.

## **B. Student Extern Responsibilities**

**Syllabus and Course Schedule.** Extern has read the Externship Syllabus and Course Schedule and agrees to comply with the educational goals and program requirements stated therein.

**Professionalism and Conduct.** Extern agrees to follow directions, seek clarification and advice in a timely fashion and comport with professionalism at all times. Extern agrees to comply with the Rules of Professional Conduct and other rules, guidelines, or policies applicable to the jurisdiction of the placement, as well as policies and procedures of the placement.

**Term.** Extern agrees to complete the full term of the placement (even if Extern has completed their minimum hour obligation) unless a shorter term is approved by the Director of Externships. The term is presumed to be on site. However, with approval of the placement and the Director of Externships, the term may be completed remotely, or in a combination of on site and remote work.

**Work Schedule.** Extern agrees to set a regular work schedule with Field Supervisor and to seek permission for any changes or modifications in the schedule. Extern agrees to work the required number of hours for the semester in accordance with this chart:

<b>Externship Type</b>	<b>Credit Hours</b>	<b>Field Work Hours Required Over the Term</b>
<b>Capstone</b>	<b>Variable 5-12 credits</b>	<b>Variable 250-600 hours (generally 50 field work hours per credit hour)</b>
<b>Corporate Counsel</b>	<b>4 credits</b>	<b>224 hours</b>
<b>Criminal Defense</b>	<b>3 credits</b>	<b>168 hours</b>
<b>Criminal Prosecution</b>	<b>3 credits</b>	<b>168 hours</b>
<b>Government</b>	<b>3 credits</b>	<b>168 hours</b>
<b>Judicial</b>	<b>3 credits</b>	<b>168 hours</b>
<b>Public Interest</b>	<b>3 credits</b>	<b>168 hours</b>

Legislative	3 credits	168 hours
-------------	-----------	-----------

**Field Performance.** Extern agrees to perform all work assigned by Field Supervisor in connection with the placement, follow directions, and seek clarification and advice in a timely fashion.

**Academic Performance.** Extern agrees to meet all requirements for the academic component of the Externship Program as outlined in the Syllabus and Course Schedule, including:

- **Professional Development Goals.** Extern agrees to identify specific individual educational goals and strategies for achieving goals, review and discuss the goals and strategies with Field Supervisor, and to submit the Externship Professional Development Plan by the deadline and in accordance with the Course Schedule.
- **Time Records.** Extern agrees to maintain daily time records tracking Extern's time and activities in the placement. Extern agrees to submit activity logs by the deadline and in accordance with the Course Schedule.
- **Opportunities for Reflection.** Extern will reflect on the observations, experiences, ethical considerations, and other issues that arise during the placement. Extern will engage in regular reflection and self-evaluation as outlined in the Course Schedule.
- **Meetings with Director.** Extern will meet with Faculty Supervisor/Director of Externships at least twice during the semester and more often as required or needed.

### C. Faculty Supervisor/Director of Externships Responsibilities

**Assurance of Educational Quality.** Faculty Supervisor/Director of Externships will oversee the Externship Program to assure the educational quality of the Extern's experience and evaluate Extern's academic performance.

**Reflective Component.** Faculty Supervisor/Director of Externships will ensure ongoing, contemporaneous, faculty-guided reflection through a classroom instructional component, regularly scheduled tutorials or other means.

**Individual Student Support.** Faculty Supervisor/Director of Externships will meet with Extern at least twice during the semester to review Extern's progress toward goals, and more often as needed to assist Extern and ensure educational progress. Faculty Supervisor/Director of Externships will review and evaluate Extern's learning goals, time sheets, self-evaluations, and other written and oral reflections.

**Support and Oversight of Placements.** Faculty Supervisor/Director of Externships will maintain regular communication with Field Supervisors, provide them with relevant information and materials, and respond to any concerns that they or Extern may express concerning the success of the placement.

Signed:

_____	_____
Student Extern	Date
_____	_____
Field Supervisor	Date
_____	_____
Director of Externships	Date



**Ashley Menendez**  
**Director of Externships**  
**University of Arkansas School of Law**  
**1045 Maple St**  
**Waterman Hall, Room 264**  
**Fayetteville, AR 72701**  
**[menendez@uark.edu](mailto:menendez@uark.edu)**  
**Phone: (479) 575-4581**

# **FIELD PLACEMENT COMPENSATION AND EXPENSE REIMBURSEMENT POLICY**

A student may NOT receive academic credit for participating in an externship placement for which the student receives compensation.

A student may, however, receive reimbursement for reasonable out-of-pocket expenses related to the placement from the placement sponsor or other source. Examples of types of reimbursable and non-reimbursable expenses are as follows.

## **1. Transportation**

- The cost of getting to and from the placement locally, including bus or subway fare, parking, and mileage, is reimbursable.
- The cost of airfare or other transportation to get to a distant placement is reimbursable.
- The general cost of owning a car, such as depreciation, license registration, fee, etc, is NOT reimbursable.

## **2. Housing**

- If an employer provides housing for employees, the student may live in that housing.
- The cost of housing over and above the cost of reasonable accommodations at the student's home location is reimbursable.
- Reimbursement may NOT take into account any ongoing housing expense the student claims at the student's law school home location.

## **3. Food**

- The cost of food over and above the cost of food at the student's home location is reimbursable.

## **4. General**

- Stipends from employers are not permissible.
- Gifts from employers are not permissible.

Students must provide adequate documentation to the School for all expenses for which they receive reimbursement.