

Externship Program Annual Report

Summer 2019-Spring 2021

In accordance with Law School Rule 3.14(5) of the Law School Rules, I am pleased to present the Annual Report of the Externship Director.

Current External Placement Programs:

The Law School currently offers seven distinct “external clinical courses” (courses that the ABA refers to as “field placement programs”). They include:

1. Prosecution Project (A Remington Center program for rising 3Ls.)
2. Public Defender Project (A Remington Center program for rising 3Ls.)
3. Government and Legislative Law Clinic
4. Law Externship Program (this now includes the Labor Law Externship and the Corporate Law Externship and the Wisconsin Department of Justice Externship, which were previously separately listed Externship offerings.)
5. Judicial Intern Program

Note: All of these programs are “854” clinical courses that students may enroll in for between 1 and 7 credits. This report includes the information for Programs 3 & 4, which I direct.

ABA Requirements:

Externships are governed by ABA Standard 304, which establishes rules for “Simulation Courses, Law Clinics, and Field Placements.” Standard 304 requires that externships be available only to students who have “successfully completed sufficient prerequisites or shall receive sufficient contemporaneous training to assure the quality of the student educational experience,” and that every field placement program must include “a classroom instructional component, regularly scheduled tutorials, or other means of ongoing, contemporaneous, faculty-guided reflection.” For that reason, all of the Law School’s externship programs either include a classroom component with periodic class meetings or require students to write and submit periodic papers reflecting on their externship experiences.

In November 2016, the ABA withdrew its Interpretation that had prohibited law schools from granting credit to a student for participation in a field placement program for which the student receives compensation. Now that the prohibition on paid externships-for-credit is eliminated, the Law School has created a “limited exception” to our own policy restricting concurrent credit and payment. This limited exception permits students to enroll in any of our externship courses and receive academic credit for work for which they are paid as long as they meet all four sections of the exception: First, the student must be placed at an approved placement site that has previously hosted UW Law Students. Second, that placement site must be a 501(c)(3) or 501(c)(4) or government agency. Third, the student must be approved for credit and payment by the Externship Director. Finally, the student must complete timekeeping reporting to the Externship Director for compliance.

The other changes to the ABA’s rules governing field placements require significantly more documentation by externship supervisors, including a requirement that there be a “written

understanding” among the student, a faculty member, and a person in authority at the field placement describing “the substantial lawyering experience and opportunities for performance, feedback and self-evaluation; and 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.”

I have updated the Externship Program Memoranda of Understanding each year to accommodate this increased documentation and understanding between the UW Law School and the placement site supervisors. Similarly, the Externship Program now has an “application” each interested placement site must complete to guarantee adherence to ABA rules for Externships and UW Law School requirements for academic credit. In fact, any organization interested in hosting law student extern must complete and submit a four-page application describing the job duties and type of work a student would be responsible for, the reasons why the organization wants to host externs, who the supervising attorney would be, etc. A student must devote at least 45 hours of work at the field placement site, over the course of the semester, for each academic credit the student registers for. Further, I have revised all time sheets, student evaluations of placement sites, and field supervisor evaluations of student performance and growth. Compliance with Standard 304 is necessitating periodic meetings among the various externship supervisors at the Law School to make sure that we are doing everything we need to do in order to document our compliance with the latest rules.

Enrollment in Externship Programs:

Government and Legislative Clinic (GLC): 20-26 students typically enroll in this clinic each semester, earning 80-100 credits total for each term. The GLC does not offer a summer clinic. Typical placements are at the highest level of legal or regulatory affairs in state agencies such as the Wisconsin Legislative Council, the Department of Public Instruction, The Governor’s Office (legal and policy teams,) Wisconsin Department of Natural Resources, Wisconsin Elections Commission, Wisconsin Ethics Commission, and Wisconsin Legislative Reference Bureau. Students have recently benefited from new partnerships in Washington, D.C. with the World Bank, The State Department, The Department of Commerce, National Football League Players Association, New York Division of Human Rights, ACLU of WI and CA, to name a few. Students who enroll in this clinic also attend a weekly, one-hour substantive law seminar on the regulatory state, focusing on: administrative rulemaking, drafting, budgeting procedure, statutory interpretation from the viewpoint of the drafter, and Act 369 compliance, for example.

Externship Program (EP): Enrollment in the Externship Program has been steadily increasing, now averaging 40 students per term, earning 110-180 credits total for each term. The EP hosts a summer term each year, with 15-20 students enrolling each summer, for 70-80 total credits. The EP typically places students in corporate law departments, non-profit legal offices, WI Department of Justice, government offices, and university legal divisions. Previously, the EP had separate labor law, corporate law, and DOJ programs, that have now been rolled into one umbrella program for consistency and compliance. Students work at American Family Insurance, Spectrum Brands, Gener8tor, WPS, Thrivent, CUNA Mutual, Midwest Environmental Advocates, Clean WI, ABC for Health, Legal Action of WI, Wispact Trust, Chicago Parks Legal Department, US Attorneys Offices, University Office of Legal Affairs, UW Hospitals and Clinics Legal Department and Department of Compliance, to name a few. As of Fall 2020, the

EP began a weekly, one-hour seminar for all enrolled students, focused on ethics for externships and placement support. This new course fulfills the ABA clinical course requirement.

Enrollment Data for Government and Legislative Clinic and the Externship Program:

Term	GLC Student Enrollment	GLC Credit	Externship Program Student Enrollment	Externship Program Credits	Total Enrollment	Total Credit
Summer 2019	n/a	n/a	15	81	15	81
Fall 2019	21	77	16	71	37	148
Spring 2020	24	94	45	182	69	276
Summer 2020	n/a	n/a	20	113	20	113
Fall 2020	19	80	39	138	58	218
Spring 2021	26	116	32	151	58	267

Additional Placement Information:

Placements Outside of Wisconsin: For a variety of reasons, including the demands and challenges of the current legal job market, many law schools have created externship programs that permit their students to do full-time, semester long externships at the D.C. headquarters or one of the regional offices of federal government agencies, or at national nonprofit organizations. Most such agencies and organizations have externship programs that operate during the academic year as well as in the summer. Positions in these programs are highly sought after because they permit law students to obtain extremely relevant work experience, to create a network of professional contacts in the city in which they want to practice, and to be in a position to show a “demonstrated commitment” to a particular practice area, practice setting, or geographical area. Our students have proven to be extremely competitive in this externship marketplace, yet the barrier of time, money and opportunity (credit-wise) to spend a semester or year “away” has prohibited many from taking advantage of these opportunities. The online nature of many placements this past year due to the pandemic has made placements outside Wisconsin entirely feasible. These new relationships and increased interest in our students have set a wonderful precedent for going forward and continuing to expand our program nationwide.

Further, we have a substantial number of alums in DC and elsewhere who have offered to help our students obtain these externship positions and to assist in making sure the students have a valuable educational experience post-pandemic. We intend to make sure our students are aware of the availability of this sort of externship experience, and to disseminate information about such externships early in their second year of law school, so that they can plan accordingly and apply at the appropriate time to maximize their chances of being selected. We hope this advance planning will make travel or timing of externships outside Wisconsin sustainable.

Sample Placement Sites by Category (representative sampling:)

Out of State/Federal Placement:

- New York State Division of Human Rights
- Maricopa County DA
- World Bank
- NFL Players Association
- Recording Industry Association of America
- US State Department
- NASA (Legal and Patent Department)
- CA Legislative Council
- ACLU-WI
- ACLU-CA
- Office of the Cook County Public Guardian
- American Health Law Association
- Break the Cycle, DC Office
- Recording Industry Association of America
- IRS
- US Office of the Trustee
- US Attorneys Office, WI and CA
- Federal Defenders Services, WI and CA

Wisconsin Placement:

- WI National Guard
- Wisconsin Legislative Council
- Elections Commission
- Legislative Reference Bureau
- Legislative Fiscal Bureau
- WI Department of Revenue
- WI Department of Public Instruction
- WI Department of Military Affairs
- WI Department of Natural Resources
- WI Department of Children and Families
- WI Office of the Commissioner of Insurance
- State of Wisconsin Investment Board
- Department of the Employee Trust Fund
- State Office of the Public Defender, Legislative Liaison
- Office of the Governor
- WI Department of Justice
- Dane County Corporation Counsel
- Madison City Attorney Office
- City of Madison Real Estate Services

Non-Profit/Public Interest:

- Center for the Integrity in Forensic Science
- Great Lakes Legal Foundation
- League of Women Voters
- Midwest Environmental Advocates
- ABC for Health
- Clean Wisconsin
- Wispact
- Community Immigration Law Center
- Freedom From Religion Foundation
- Tenants Law Firm (Los Angeles)
- Tenant Resource Center
- Community Justice, Inc

Corporate Placement:

- Gener8tor
- Wisconsin Public Service
- Spectrum Brands
- Thrivent
- American Family Insurance
- Zendesk LLC
- TDS
- Hatco Corp.

University Placement:

- Athletic Department
- Office of Human Resources
- ADA Compliance
- Title IX Office
- Office of Legal Affairs
- School of Education, Ed Policy
- Hospitals and Clinics, Legal
- Hospitals and Clinics, Contracts
- Hospitals and Clinics, Compliance
- UW System Chief Legal Counsel

Signed, Erin McBride
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Director, Government and Legislative Clinic
Associate Clinical Professor of Law
Respectfully submitted February 20, 2021