

JUST COMPENSATION: AN EMPIRICAL EXAMINATION OF THE SUCCESS OF LEGAL EXTERNSHIPS FOR PAY AND CREDIT

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ABSTRACT

For-credit externships offer law students a much-needed opportunity to experience the “real world” of legal practice, rounding out their legal education in ways not possible through classroom teaching alone. So, when the American Bar Association (ABA) changed its rules to allow students to be compensated for their externships while still earning academic credit, some in legal academia were worried. Would highly attractive paid externships come at the cost of diminished interest in unpaid government and nonprofit work? Would paid externs be assigned work of a lesser educational quality than their for-credit only peers? Conjecture and anecdotal evidence abounded.

This Article aims to inject the debate over paid externships with empirical evidence. Drawing on several years’ worth of student and supervisor semester-end evaluations, the Author analyzes enrollment patterns, numerical ratings of student performance, and work assignment descriptions to determine whether students who are paid for their externships fare any better or worse than their unpaid counterparts.

The resulting data demonstrate that although there has been a tremendous increase in interest in paid law firm and in-house externships, there has been virtually no decrease in interest in traditional placement types. Moreover, while paying students for their work has had some impact on the type of work performed, it is far less than critics might have predicted. Finally, there are some areas, such as quality of work performed, in which paid externs are thriving even more than their unpaid peers.

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I. INTRODUCTION

The best part of my externship was “[b]eing given the opportunity to learn and grow—I drafted several types of motions, which I had never done before, and also was able to attend motions hearings and client interviews.”¹

“We were happy to have [the student] as part of our firm. She is a hard worker, takes direction well, and shows a knack for thinking through complex problems without the need for constant oversight.”²

As an externship professor, reading feedback like this from end-of-the-semester student and supervisor evaluations is always a joy. When students and supervisors express this kind of satisfaction with the externship experience, you know the placement was a success.

The knowledge that the externship was a valuable learning tool is even more welcome when the evaluations are of a somewhat controversial type of externship, in this case one where the externship student received compensation in addition to school credit. After years of debate around the topic, including predictions that paid externships would provide fewer educational experiences than their unpaid counterparts,³ it is reassuring to learn, at least anecdotally, that paid externs are learning and thriving.

But anecdotes will only get you so far. Now that a handful of years has passed since the American Bar Association (ABA) lifted its ban on paid externships in 2016, it is time for a closer examination of how paid externships are working out.⁴ And it is these very student and supervisor semester-end evaluations that are filled with the data needed to conduct an empirical analysis of the paid externship experience.⁵

1. Student Evaluation, Rec. No. 64-Paid (on file with Author).

2. Supervisor Evaluation, Rec. No. 134-Paid (on file with Author).

3. *See infra* Part II.B.

4. *See infra* Part II.C.

5. *See, e.g.,* Jodi S. Balsam & Margaret Reuter, *Externship Assessment Project: An Empirical Study of Supervisor Evaluations of Extern Work Performance*, 25 CLINICAL L. REV. 1 (2018) (undertaking a methodical assessment of semester-end evaluations in order to “move beyond anecdote-based impressions of host offices and student work to comprehensive empirical evidence”); *see also* DEBORAH MARANVILLE ET AL., BUILDING ON BEST PRACTICES: TRANSFORMING LEGAL EDUCATION IN A CHANGING

In this Article, the externship program at Chapman University Dale E. Fowler School of Law (Chapman) in Southern California is closely examined through student and supervisor end-of-the-semester evaluation forms. Part II discusses the ABA Standards and Rule of Procedure for Approval of Law Schools (Standards) Interpretation that had previously banned paid externships and the arguments pro and con that surrounded its elimination. Part III lays the foundation for understanding the study's ultimate findings, offering details about the evaluations that form the basis of the study, what type of work is expected of student externs in general, and the study's methodology. Part IV consists of the empirical examination of the study's results. Chapman externships are broken down by placement type, revealing an expected shift in types of placements where students have enrolled since paid externships were allowed. Overall success of externs is examined as well, revealing that supervisors score paid externs higher than unpaid externs in legal skills and professionalism categories. This Part next compares the type of work performed by paid versus unpaid law firm and in-house externs, the results being a mix of predicted (paid externs do less observation than unpaid) and unexpected (paid externs report more high-level research and writing than unpaid). Paid and unpaid externs' own satisfaction with their experience is also compared, with paid externs reporting a slightly higher satisfaction rate. Finally, Part V suggests some key takeaways from the study for law schools that permit, or are considering permitting, paid externships.

II. ABA STANDARDS AND THE DEBATE OVER PAID EXTERNSHIPS

Externships are governed by the ABA Standards, a seven-chapter document that outlines "the requirements a law school must meet to obtain and retain ABA approval."⁶ As will be explained below, until 2016 the Standards barred law schools from allowing students to earn academic credit for a position for which they were also paid.

WORLD 163 (Lexis 2015) ("Legal education urgently needs empirical research on what methods will best promote deep learning that transfers to practice.").

6. *Standards: 2021–2022 Standards and Rules of Procedure for Approval of Law Schools*, AM. BAR ASS'N (2021), https://www.americanbar.org/groups/legal_education/resources/standards/ [https://perma.cc/2E78-94FB].

A. Relevant ABA Standards

Former ABA Standard Interpretation 305-27 provided that a school “may not grant credit to a student for participation in a field placement program for which the student receives compensation.”⁸ There was an exception for the reimbursement of “reasonable out-of-pocket expenses,” but outright payment, whether by the placement itself or the award of a grant by a third party, was prohibited.⁹ This rule, which originated in 1979, had been challenged and argued about over the years, generating much debate in the externship community.¹⁰

The debate sparked to life again in 2015 when, at its December meeting, the ABA Council of the Section of Legal Education and Admissions to the Bar proposed a revision to Standard 305 allowing paid externships on a school-by-school basis and setting the matter for notice and comment.¹¹

B. Arguments for and Against Allowing Paid Externships

The arguments for and against allowing paid externships flowed into the ABA during the comment period. Arguing in favor of lifting the ban were the ABA Law Student Division,¹² the ABA Standing Committee on

7. Externships are now governed by Standards 303 and 304. *Id.* at 18–20.

8. *See ABA Standards and Rules of Procedure for Approval of Law Schools 2015–2016*, AM. BAR ASS’N 19 (2015), www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2015_2016_aba_standards_for_approval_of_law_schools_final.pdf [https://perma.cc/S8LU-N5VF].

9. *Id.*

10. James H. Backman, *Law School Externships: Reevaluating Compensation Policies to Permit Paid Externships*, 17 CLINICAL L. REV. 21, 23–29 (2010).

11. *See* Memorandum from Rebecca White Berch, Am. Bar Ass’n Council Chairperson, & Barry A. Currier, Am. Bar Ass’n Managing Dir. of Accreditation & Legal Educ. (Dec. 11, 2015), www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/20151211_notice_and_comment.authcheckdam.pdf [https://perma.cc/EDG2-DQLU].

12. *Comment on Standards 304 & 305*, AM. BAR ASS’N (Jan. 22, 2016), www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/standards_review/2016_jan_comments_rcvd_dec_15_notice_and_comment.authcheckdam.pdf.

Professionalism,¹³ and a spattering of individual lawyers and bar associations.¹⁴ The Clinical Legal Education Association,¹⁵ the Society of American Law Teachers,¹⁶ and the Association of American Law Schools Section on Clinical Legal Education,¹⁷ among many others, supported maintaining the ban.¹⁸ The comments calling for the ban to be upheld greatly outnumbered those in favor of its elimination.¹⁹

Arguments for lifting the ban to allow compensated externships focused on the tough choice law students are forced to make “between an unpaid legal externship and a paid non-legal one, oftentimes choosing the latter that will supplement income but at the cost of the students’ education,” especially with rising tuition costs and student loan debt.²⁰ The result, it was argued, is that students who can afford to take unpaid externships for credit may thereby lighten their class loads, whereas other students must take paid

13. E-mail from Scott Pagel, Am. Bar Ass’n Chair of Standards Rev. Comm. (Jan. 21, 2016), www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/standards_review/2016_jan_comments_rcvd_dec_15_notice_and_comment.authcheckdam.pdf.

14. *See generally Comment on Standards 304 & 305, supra* note 12.

15. *CLEA Comments on Proposed Standard 304(c) & Retention of Interpretation 305-2*, CLINICAL LEGAL EDUC. ASS’N (Jan. 22, 2016), www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/standards_review/2016_jan_comments_rcvd_dec_15_notice_and_comment.authcheckdam.pdf.

16. Letter from Sara Rankin, Co-President of Soc’y of Am. L. Tchrs., & Denise Roy, Co-President of Soc’y of Am. L. Tchrs. (Jan. 22, 2016), www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/standards_review/2016_jan_comments_rcvd_dec_15_notice_and_comment.authcheckdam.pdf.

17. *AALS Section on Clinical Legal Education Statement of Position on the Proposed Revisions to ABA Standards 304 and 305 Relating to Field Placements and the Elimination of ABA Interpretation 305-2 Prohibiting Paid Externships*, ASS’N AM. L. SCHS., www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/standards_review/2016_jan_comments_rcvd_dec_15_notice_and_comment.authcheckdam.pdf.

18. *See generally Comment on Standards 304 & 305, supra* note 12. Among those opposed to lifting the ban were faculty members of GLACE, the Greater Los Angeles Consortium on Externships (now SoCalEx), including the Author. Letter from Bay Area Consortium on Externships & Greater L.A. Consortium on Externships (Jan. 22, 2016), www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/standards_review/2016_jan_comments_rcvd_dec_15_notice_and_comment.authcheckdam.pdf.

19. *See generally Comment on Standards 304 & 305, supra* note 12.

20. *Id.*

positions, and even paid non-law jobs, on top of a full schedule of classes.²¹ With some safeguards in place, the argument continued, there should be little concern paid externships would not be academically valuable.²² Allowing paid externships would be consistent with “and in furtherance of calls for enhanced experiential learning.”²³

Arguments against lifting the ban on paid externships centered on the concern that it would weaken, “compromise[] and subordinate[]” the educational value of externships²⁴ and “pressure students to prioritize financial need, rather than professional goals,” when making what should be an academic choice about what field placement to take.²⁵ Paying a student for their fieldwork would also provide incentive for both the placement and the extern to view the relationship primarily as one of employer/employee, thus placing the student’s educational goals second to what the supervising attorney is paying them to do.²⁶

21. *Id.*

22. *Id.* These safeguards did come to pass: at the same time as the compensation rule was eliminated, the ABA also enacted a rule to help ensure that the academic integrity of the externship is not compromised by outside factors. Standard 304(c)(iii) prescribes the creation of “a written understanding” between the school, student and placement supervisor “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.” *ABA Standards and Rules of Procedure for Approval of Law Schools 2016–2017*, AM. BAR ASS’N 18 (2016), www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2016_2017_aba_standards_and_rules_of_procedure.pdf. Standard 304(c)(vii) continues that the externship faculty must have “sufficient control of the student experience to ensure that the requirements of the Standard are met” as evidenced in part by the written understanding described in 303(c)(iii). *Id.*

23. E-mail from Scott Pagel, *supra* note 13.

24. *AALS Section on Clinical Legal Education Statement of Position on the Proposed Revisions to ABA Standards 304 and 305 Relating to Field Placements and the Elimination of ABA Interpretation 305-2 Prohibiting Paid Externships*, *supra* note 17.

25. Letter from Bay Area Consortium on Externships & Greater L.A. Consortium on Externships, *supra* note 18.

26. *AALS Section on Clinical Legal Education Statement of Position on the Proposed Revisions to ABA Standards 304 and 305 Relating to Field Placements and the Elimination of ABA Interpretation 305-2 Prohibiting Paid Externships*, *supra* note 17; *CLEA Comments on Proposed Standard 304(c) & Retention of Interpretation 305-2*, *supra* note 15; Letter from Sara Rankin, *supra* note 16. This is similar to the argument made against allowing for-profit placements in general. See Bernadette T. Feeley, *Examining the Use of For-Profit Placements in Law School Externship Programs*, 14

Educators worried that a paid extern would lose “the richness of their externship experience, particularly in the areas of diversity of assignments, opportunities to observe others in lawyering roles, and the quality of the supervision and feedback,” in favor of work assignments that “flow from the needs of the office, not the students’ educational goals.”²⁷ Further, “[o]nce a site supervisor pays a student to perform work,” the argument followed, a “power imbalance” is created in which “it becomes much more difficult for the faculty member to insist that the student receive a certain level of supervision or specific experiences to further the student’s learning objectives.”²⁸

Finally, there was concern that placements unable to pay students, such as government agencies and nonprofits doing social justice work, would have a harder time attracting students who would instead choose to work for private firms and corporations that could pay them.²⁹ This argument echoed one often made regarding whether students should be allowed in for-profit placements at all.³⁰

C. ABA Lifts the Paid Externship Ban, Leaving Schools to Decide

Ultimately, the Council of the Section of Legal Education and Admissions to the Bar voted to delete from its Standards the prohibition against awarding externship credit to students who are also compensated for

CLINICAL L. REV. 37, 47–48 (2007) (noting the “stereotypical beliefs that private lawyers will provide less meaningful work with poorer supervision than public interest attorneys”); MARANVILLE ET AL., *supra* note 5, at 240 (“[I]n some firms, pressures to bill could undercut the commitment of the supervisors to engage students in a full range of legal assignments with educational value.”).

27. Letter from Bay Area Consortium on Externships & Greater L.A. Consortium on Externships, *supra* note 18; see also CLEA Comments on Proposed Standard 304(c) & Retention of Interpretation 305-2, *supra* note 15.

28. AALS Section on Clinical Legal Education Statement of Position on the Proposed Revisions to ABA Standards 304 and 305 Relating to Field Placements and the Elimination of ABA Interpretation 305-2 Prohibiting Paid Externships, *supra* note 17.

29. *Id.*; Letter from Bay Area Consortium on Externships & Greater L.A. Consortium on Externships, *supra* note 18; CLEA Comments on Proposed Standard 304(c) & Retention of Interpretation 305-2, *supra* note 15; Letter from Sara Rankin, *supra* note 16. The concern that students will lose interest in public interest work is not unique to the paid externship debate. See, e.g., Alexi Freeman & Katie Steefel, *Uniting the Head, Hands, and Heart: How Specialty Externships Can Combat Public Interest Drift*, 25 CLINICAL L. REV. 325 (2019) (discussing “public interest drift” between the beginning and end of law school).

30. See Feeley, *supra* note 26, at 46–49.

their work.³¹ With the ban lifted, each law school has to decide for itself whether it will allow students to earn compensation along with externship credit.

Schools have not rushed to allow paid externships. According to the Center for the Study of Applied Legal Education's 2019–2020 study, only 18 percent of law schools allow paid externships with no conditions, 18 percent more allow them with certain conditions, such as the source of the payment comes not from the placement site but from a grant, leaving 64% of law schools that continue to bar students from receiving compensation for their externship work.³² Similarly, a 2017–2018 study by the Clinical Legal Education Association found that only 33.77% of responding law schools had adopted a policy to allow some form of paid externships³³

Chapman is one of those law schools that allows paid externships without restrictions, with the faculty voting in November 2016 to allow them.³⁴

31. See *ABA Standards and Rules of Procedure for Approval of Law Schools 2016–2017*, *supra* note 22, at 16–18.

32. Robert R. Kuehn et al., *2019–20 Survey of Applied Legal Education*, CTR. FOR APPLIED LEGAL EDUC. 11 (2020), https://uploads-ssl.webflow.com/5d8cde48c96867b8ea8c6720/5f8e46e59e39d4dc82e70a54_Report%20on%202019-20%20CSALE%20Survey.10.19.20.pdf [<https://perma.cc/2BAT-6PVZ>].

33. *CLEA Externship Committee Report: Survey of Schools on Payment of Students for For-Credit Externship*, CLINICAL LEGAL EDUC. ASS'N 4 (2018), https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/feb19/clea-paid-externships-survey-report-final.pdf.

34. The Author supported the faculty proposal to do so, even though she had opposed paid externships when the issue was still before the ABA. Once the ban had been lifted and each law school could decide for itself what to permit, she did not believe Chapman should continue to bar paid externships. To do so, the Author came to believe, would make it an outlier among its peer schools, as several other local law schools had decided to allow paid externships in some fashion. She also hoped that the new Standard 304(c)(iii) and (vi) would work as intended as safeguards to ensure that any externship, paid or unpaid, would provide the type of educational experience worthy of academic credit.

III. EMPIRICAL STUDY OF PAID VERSUS UNPAID EXTERNSHIPS AT CHAPMAN USING SUPERVISOR AND STUDENT SEMESTER-END EVALUATIONS

As Chapman has been allowing paid externships for several years, now is the time to assess their success. Chapman also moved its semester-end evaluations online starting in Fall 2017, so it is the perfect opportunity to mine the digital data.³⁵ The data offer the ability to learn about the paid externship experience from these evaluations and other externship program information.³⁶

The time period for this study is Fall 2017 through Spring 2020. This covers the first eight semesters (including summers) of the paid externship program, ending with the last semester before work went remote due to COVID-19.³⁷

This Part discusses Chapman's externship program and the supervisor and student semester-end evaluations that form the basis of this study. It also discusses, in more general terms, what type of work and other learning is expected of an extern, and concludes with a description on the methodology of the study.

A. Chapman's Externship Program and Evaluations

This Part outlines the Chapman externship program and describes the semester-end evaluation forms given to supervisors and students that form the basis of this study.

35. Moving the process online meant that older evaluations were preserved and therefore available for study; older paper documentation about externships (evaluations, student time sheets, and overall enrollment data) was destroyed pursuant to Chapman's three-year academic document retention policy. *See generally Record Retention Policy and Matrix*, CHAP. UNIV., <https://www.chapman.edu/campus-services/institutional-compliance-and-internal-audit/institutional-compliance/policies/record-retention-policy-and-matrix.aspx> [<https://perma.cc/J8VB-JVYM>].

36. The Author chose not to study student time sheet entries because the mass of data would have been too much for one person to review and code, whereas the descriptions found in the semester-end evaluations were succinct and therefore a more manageable project. In addition, time sheet entries would not have provided the supervisor's perspective on the work and therefore would not have reflected whether the work was "high-level." *See infra* Part IV.D.1 (explaining "high-level").

37. The Spring 2020 semester does cover the beginning of remote externship work, but the stay-at-home orders in Southern California were issued mid-March with the semester nearly two-thirds over, so the Author felt it was still appropriate to use evaluation data from that semester.

1. *Chapman's Externship Program Description*

Chapman's externship program allows students to gain practical legal experience working for state or federal judges, various government agencies, nonprofit law offices, entertainment companies, other corporations, or law firms.³⁸ Students may enroll in a single full-time judicial externship for 10 credits, or they may complete a part-time externship for between one and five credits, for a total of three part-time externships for up to eight credits.³⁹ Students secure their own placements (i.e., they are not "matched" by the externship office) and repeat placements at the same office are allowed.⁴⁰ For most externships, one credit is awarded for every 50 hours of fieldwork, and the externship is graded on a "pass/no pass" basis.⁴¹ There is no accompanying seminar, but students attend an orientation "bootcamp" in the first week of the semester, followed by setting learning goals for the semester, completing four-to-seven reflective journals (depending on number of credits), making daily time entries with detailed descriptions, submitting two samples of work product, and filling out a midterm and semester-end evaluation together with their supervisors.⁴²

2. *Supervisor Semester-End Evaluations*

At the end of each semester, Chapman uses a Google form to allow supervisors to assess extern performance with a combination of numeric ratings and narrative descriptions.⁴³ The contents of the form were developed and revised over the years, but it was originally based on a form jointly created in the mid-2000s by SoCalEx (formerly Greater Los Angeles Consortium on Externships (GLACE)), the consortium of law school externship programs in Southern California.⁴⁴

38. CHAP. UNIV. FOWLER SCH. L., EXTERNSHIP HANDBOOK 3 (Mar. 2021), https://www.chapman.edu/law/_files/externships/secure/externship-handbook.pdf [<https://perma.cc/G3BY-M9UY>] [hereinafter EXTERNSHIP HANDBOOK]

39. *Id.* at 6–7.

40. *Id.* at 4–6, 11. Although most externships require 50 hours of work per credit awarded, lower credit externships require a higher hourly commitment: a 1-credit externship requires 90 hours of fieldwork, and a 2-credit externship requires 125 hours.

41. *Id.* at 6–7.

42. *Id.* at 7–9.

43. *See infra* Appendix A.

44. *Resources for Supervisors*, CHAP. UNIV., <https://www.chapman.edu/law/externships/resources-supervisors.aspx> [<https://perma.cc/G92S-G2HM>] [hereinafter *Resources for Supervisors*].

The review form starts by asking the supervisor to “[p]lease fill out this form to give Chapman University, Fowler School of Law, valuable feedback on your experience supervising one of our students this term.”⁴⁵ It begins with basic questions about the student’s name, semester of the externship, supervisor’s name, and the name of their organization.⁴⁶ It further asks the supervisor to categorize their organization as one of the following: judicial; criminal prosecution or defense (government); government agency (non-criminal); law firm; in-house corporate; public interest; or other.⁴⁷ It then asks whether the student was compensated.⁴⁸

The evaluation next asks the supervisor to “[p]lease describe the type of work the student performed, giving examples where possible of specific assignments completed.”⁴⁹ The responses vary from brief, one-sentence descriptions of basic research and writing tasks to lengthy paragraphs detailing a variety of assignments.⁵⁰ For example, one entertainment in-house externship supervisor tersely described the student’s work as “drafting above the line talent agreements, below the line agreements, legal correspondence, rights research,”⁵¹ while a litigation boutique explained its extern’s experience as follows:

[Student] was given responsibilities that included client contact for discovery responses, Motion/Pleading drafting, including discovery motions, complaints, and propounding discovery, and she would also do some (minimal) document review on cases. The other most prevalent task for [Student] was summarizing depositions, compiling client information, and conducting legal research on issues, as they came up. This semester, [Student] also had the chance to go to a mediation on a pending case. For example, I would have [Student] draft motions and meet-and-confer letters, I would edit, give red lines back, and then have [Student] input those changes and edits. As the year goes on, fewer edits are returned to the point where [Student] is drafting motions/discovery with little having to be done, before reviewing and serving/filing.⁵²

45. *See infra* Appendix A.

46. *See id.*

47. *See id.*

48. *See id.*

49. *See id.*

50. *See generally* Supervisor Evaluations (on file with Author).

51. Supervisor Evaluation, Rec. No. 126-Paid (on file with Author).

52. Supervisor Evaluation, Rec. No. 86-Paid (on file with Author).

Next, the evaluation asks the supervisor to rate the extern in two broad categories: Legal Skills and Professionalism/Work Habits.⁵³ The subcategories within each are as follows:

Legal Skills

Legal Knowledge;
Research;
Legal Analysis;
Writing;
Oral Communication and Advocacy;
Interviewing and Counseling;
Fact Investigation;
Negotiation;
Professional Ethics;

Professionalism and Work Habits

Initiative;
Judgment;
Thoroughness and Attention to Detail;
Dependability;
Productivity and Time Management
Office and Staff Relations;
Attitude Toward Supervision, Critique⁵⁴

The supervisors can rate the students in each subcategory as poor, fair, good, excellent, or N/A.⁵⁵ For purposes of this study, these ratings were converted to a 4-point scale as follows: poor=1, fair=2, good=3, and

53. *See infra* Appendix A.

54. *Id.* There is also a category for “other” in both legal skills and professionalism. Because there were too few of these responses to work with, they were not considered in the study.

55. *Id.*

excellent=4. The form asks the supervisor to elaborate on any subcategory in which they gave a student a “poor” rating, and to identify which skills or professionalism attributes the student most improved over the course of the externship.⁵⁶

Finally, the evaluation form asks the supervisor “if the student complete[d] his or her time/hours commitment to your court, office or organization?,”⁵⁷ and if there is “anything else [the supervisor] would like to share with the Chapman University, Fowler School of Law, Externship Program?”⁵⁸ After the supervisor hits “submit” on the form, they receive a copy of the completed evaluation to share with the student and for their records.

3. Student Semester-End Self-Evaluations

The student self-evaluation is similar in many ways to the supervisor evaluation.⁵⁹ After gathering basic information about the student, the placement, and compensation, the evaluation asks students to “please describe the type of work you performed, giving examples where possible of specific assignments completed.”⁶⁰ Student responses range from single sentences to multiple paragraphs, just as the supervisors’ responses do.⁶¹ They are then given the same list of Legal Skills and Professionalism/Work Habits and asked how they rate themselves.⁶² As with the supervisors, the evaluation asks the students to select which skills they improved most during their externships.⁶³

Unique to the externs’ self-evaluation are the following questions: “What was the best thing about your externship?” and “What was the worst

56. *Id.*

57. Chapman students are not required to have their field supervisors sign their timesheets. EXTERNSHIP HANDBOOK, *supra* note 38, at 8–9, 11. Instead, students submit a daily record of the tasks they perform directly to their faculty supervisor, and field supervisors are asked to verify students’ time generally as part of the mid-term and semester-end evaluations. *Id.*

58. *Infra* Appendix A.

59. *See infra* Appendix B.

60. *Id.*

61. *See generally* Student Evaluations (on file with Author).

62. *See infra* Appendix B.

63. *Id.*

/ most difficult thing about your externship?”⁶⁴ Finally, students are asked to rate their “overall experience” on a scale of 1 to 10.⁶⁵

B. Extern Work Assignment Expectations

Before the success of paid versus unpaid externships can be studied, we must understand what a student is expected to accomplish during an externship.

The answer, simply put, is that students take externships to learn what they cannot in the classroom. This means legal skills like discovery practice or redlining a contract, but also the less tangible skills of “real” practice.⁶⁶

Externship courses immerse students in real life legal practice, that is, in practice settings created primarily for delivery of legal services rather than for educational purposes. When students move out of the law school for practice experience, they learn how practicing lawyers and judges handle facts and law, and integrate theory and skill, in real life and in real time, in the presence of pressures and sometimes chaos.⁶⁷

Put another way, “the closer the student’s work is to live practice with genuine responsibility and consequences for the quality of her work, the richer her learning experience will be.”⁶⁸

64. *Id.*

65. *See id.* The 10-point scale will be described in greater detail in *infra* Part IV.E.

66. *See* Robert F. Seibel & Linda H. Morton, *Field Placement Programs: Practices, Problems and Possibilities*, 2 CLINICAL L. REV. 413, 418 (1996) (“Since the teaching of skills is still an important part of field placement programs, we want to be clear that we also believe that these programs can and do deliver effective skills instruction”); *see also* EXTERNSHIP HANDBOOK, *supra* note 38, at 3.

67. MARANVILLE ET AL., *supra* note 5, at 217.

68. Balsam & Reuter, *supra* note 5, at 14. Although the main focus of this project is on the tangible skills students learn in the externships, as that is what the evaluation forms focus on and measure, externships can do much more than teach skills. *See* Seibel & Morton, *supra* note 66, at 419 (“Among the most important of these goals, besides conventional skills training, are training in self-directed learning, education in perspectives on the legal system, and introducing students to a wide range of specific practice contexts.”); MARANVILLE ET AL., *supra* note 5, at 219 (explaining an externship’s goal is “to instill in students a pattern of reflective practice that will encourage life-long learning and continual professional growth throughout their careers”); Kelly S. Terry, *Externships: A Signature Pedagogy for the Apprenticeship of Professional Identity and Purpose*, 59 J. LEGAL EDUC. 240, 243 (2009) (“This combination of work experiences in an actual practice setting and guided reflection on those experiences in the seminar provides students with an ideal opportunity to explore the moral, ethical, and professional dilemmas that lawyers regularly encounter.”). These

These aspirations for the student externship experience are codified in the ABA Standards. According to ABA Standard 304, a student should have 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.”⁶⁹ Standard 304 goes on to require that law schools lay out in “a written understanding among the student, faculty member, and a person in authority at the field placement” what the “substantial lawyering experience and opportunities for performance, feedback and self-evaluation” will be.⁷⁰

Chapman has described the substantial lawyering experience it expects for its externs in a three-party written agreement that it helped to develop along with the externship consortiums of Northern California (the Bay Area Consortium on Externships (BACE)) and SoCalEx.⁷¹ The agreement asks the supervisor to ensure that: the extern will be assigned work that is similar to that of a law clerk or entry-level staff attorney, including exposure to a broad range of lawyering skills. Assignments may include, but are not limited to, drafting documents and pleadings, researching and writing memoranda, interviewing clients and witnesses, attending conferences, negotiations or mediations, and observing or participating in meetings, depositions, or court proceedings. Administrative work will be kept to a minimum.⁷²

Drawing on the list of activities described in the three-party written agreement, the categories of tasks examined by Professors Jodi S. Balsam and Margaret Reuter,⁷³ and the Author’s own 16 years’ experience directing an externship program, this study focused on the following general tasks: 1) legal research and memo writing, 2) fact-gathering and related work, 3)

are all valuable goals of an externship program; they are simply not practical to assess on a semester-end evaluation.

69. *ABA Standards and Rules of Procedure for Approval of Law Schools 2019–2020*, AM. BAR ASS’N 17–20 (2019), https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/standards/2019-2020/2019-2020-aba-standards-chapter3.pdf.

70. *Id.*

71. *Resources for Supervisors*, *supra* note 44.

72. *Site Supervisor, Student Extern and Faculty Supervisor Agreement*, CHAP. UNIV. FOWLER SCH. L., https://www.chapman.edu/law/_files/externships/Three-Party-Externship-Agreement.pdf [<https://perma.cc/A3CD-Y49N>].

73. Balsam & Reuter, *supra* note 5, at 60 (Appendix B).

writing in the litigation/dispute resolution context, 4) transactional writing, 5) interaction with others besides the supervisor, 6) observation opportunities, 7) networking, and 8) administrative work.⁷⁴ Most categories had several subcategories as well.⁷⁵

The first four categories of extern work—legal research and memo writing, fact-gathering, and writing in the litigation and transactional contexts—are fundamental to the extern experience as well as to the new lawyer’s tool kit. Just as Professors Balsam and Reuter did in their study, the Author wanted to know how many students focused on these basic skills during their paid and unpaid externships.⁷⁶

Another opportunity that an externship outside the law school offers, and therefore the Author coded for in the semester-end evaluation work descriptions, is direct interaction with others besides the supervisor.⁷⁷ Externships are a unique opportunity during a student’s legal education to do more than just interact with the supervising attorney or judge, but to meet the people—clients, witnesses, opposing counsel—who form the basis of the legal system they are learning about. Therefore, following Professors Balsam and Reuter’s lead, the Author coded for various types of direct interaction with others as the fifth general category of work performed.⁷⁸

The sixth category the Author coded for was a job duty that might not readily come to mind, but that can be an important part of an externship—observation.⁷⁹ Not only should students learn by doing, but they should be given the opportunity to learn by observing others. As Professors Balsam and Reuter explained, “A distinctive feature of an educational externship is the opportunity to shadow a practicing lawyer and learn from observing, uncomplicated by the stress experienced by junior lawyers to provide value every minute on the job.”⁸⁰ Particular attention should be paid to observation opportunities for paid students, whom one might expect would

74. See *infra* Part IV.D; Appendix C.

75. See *infra* Appendix C.

76. Balsam & Reuter, *supra* note 5, at 18–21 (“Legal research is the quintessential contribution that most early-career lawyers undertake in client matters.”).

77. See *infra* Appendix C.

78. Balsam & Reuter, *supra* note 5, at 22 (“The externship experience ideally involves participating in lawyering tasks that develop student adaptability. Thus, we sought to discover the degree to which the students directly interacted with others in their fieldwork . . .”); see *infra* Appendix C.

79. See *infra* Appendix C.

80. Balsam & Reuter, *supra* note 5, at 21.

be given fewer chances to simply observe without the pressure to provide value to their employers.

The seventh category of activities the Author looked for when coding work descriptions was networking, which can be an important feature of an externship.⁸¹ Though not directly related to the fieldwork the students do, networking with other lawyers is an important skill for students to learn and is one of the 26 lawyering effectiveness factors identified by Professors Marjorie M. Shultz and Sheldon Zedeck in their groundbreaking study.⁸²

Finally, regarding the eighth category of administrative work, the Author believes that some degree of administrative work is to be expected from time to time, especially in small offices without a lot of administrative support.⁸³ The Author's philosophy has always been that if practicing attorneys might make their own photocopies on occasion, students can too, as long as the vast majority of students' duties are substantive. As will be explained in Part IV.D, *infra*, the Author coded the work descriptions in the semester-end evaluations for pure administrative tasks like answering phones, as well as more substantive and educational administrative duties like learning how to issue subpoenas or file documents with the court.

C. Methodology of Data Analysis

The first step in conducting this study was to create a database of paired student and supervisor evaluations, matching up each student and their supervisor so that the descriptions each gave of the work done could be

81. See *infra* Appendix C.

82. Marjorie M. Shultz & Sheldon Zedeck, *Predicting Lawyer Effectiveness: Broadening the Basis for Law School Admission Decisions*, 36 L. & SOC. INQUIRY 620, 629 (2011); see ALLI GERKMAN & LOGAN CORNETT, FOUNDATIONS FOR PRACTICE: THE WHOLE LAWYER AND THE CHARACTER QUOTIENT 7 (July 2016), https://iaals.du.edu/sites/default/files/documents/publications/foundations_for_practice_whole_lawyer_character_quotient.pdf [<https://perma.cc/RJ4X-YJS4>] (examining new lawyers' need to engage in business development activities).

83. See *infra* Appendix C.

matched and mined for data.⁸⁴ The time period was Fall 2017 to Spring 2020, as explained in Part III.

Next, the Author stripped out any identifying information about the student or supervisor and assigned each paired entry a record number. The Author then divided the records between paid and unpaid externships, and subdivided further, as needed for some of the analysis to be performed, into only law firm and in-house corporate paid and unpaid externships. This would allow the study to do the following: 1) create a breakdown of placement type,⁸⁵ 2) look at the shift in what types of placements students chose over the years,⁸⁶ 3) compare numeric performance ratings of externs by supervisors in similar placement types,⁸⁷ and 4) compare how highly students rated the overall externship experience.⁸⁸

For the final and pivotal piece of the project, the Author coded the work descriptions from each pair of evaluations for the above-described eight major categories of work activities.⁸⁹ Once coded, they could be tallied, and how often the paid versus unpaid externs performed certain duties in each category could be compared.⁹⁰ The Author would like to emphasize that she could not have conducted the coding as easily as she did without the work of Professors Balsam and Reuter as a guide.⁹¹ The painstaking work they undertook to develop codes for analysis, from which this study liberally borrowed, formed the basis of the present coding effort.

84. Actually, the very first step was to submit the proposed work to Chapman's Institutional Review Board (IRB). Any scholar "conducting research involving human subjects as defined in 45 CFR 46.102 must submit their research protocol to the IRB for review and approval prior to beginning the project." *Institutional Review Board (IRB)*, CHAP. UNIV., www.chapman.edu/research/integrity/irb/index.aspx [<https://perma.cc/3MVY-LBRF>]. Documentation of the IRB's approval of this project is on file with the Author.

85. See *infra* Part IV.A.

86. See *infra* Part IV.B.

87. See *infra* Part IV.C.

88. See *infra* Part IV.E.

89. See *supra* Part III.B; *infra* Appendix C; see also Balsam & Reuter, *supra* note 5, at 16 ("Coding enables us to reduce qualitative information to a quantitative or numeric form. Once the evaluation data are in numeric form, we can prepare tallies, averages, statistical significance tests, and other forms of analysis.").

90. See *infra* Part IV.D.

91. See generally Balsam & Reuter, *supra* note 5 (empirically studying externships using supervisor evaluations).

IV. EMPIRICAL EXAMINATION OF RESULTS

In order to assess the quality of paid externships, the study looked at a variety of evidence gathered from the supervisor semester-end evaluation, the student semester-end evaluation, and enrollment data. This Part describes the sometimes predictable, sometimes surprising, results.

A. Chapman's Externship Placement Breakdown

Between Fall 2017 and Spring 2020, there were 503 paired semester-end evaluations,⁹² of which there were a total of 237 paid and 266 unpaid placements. Of the 503 placements studied, the breakdown of placement type is as follows:

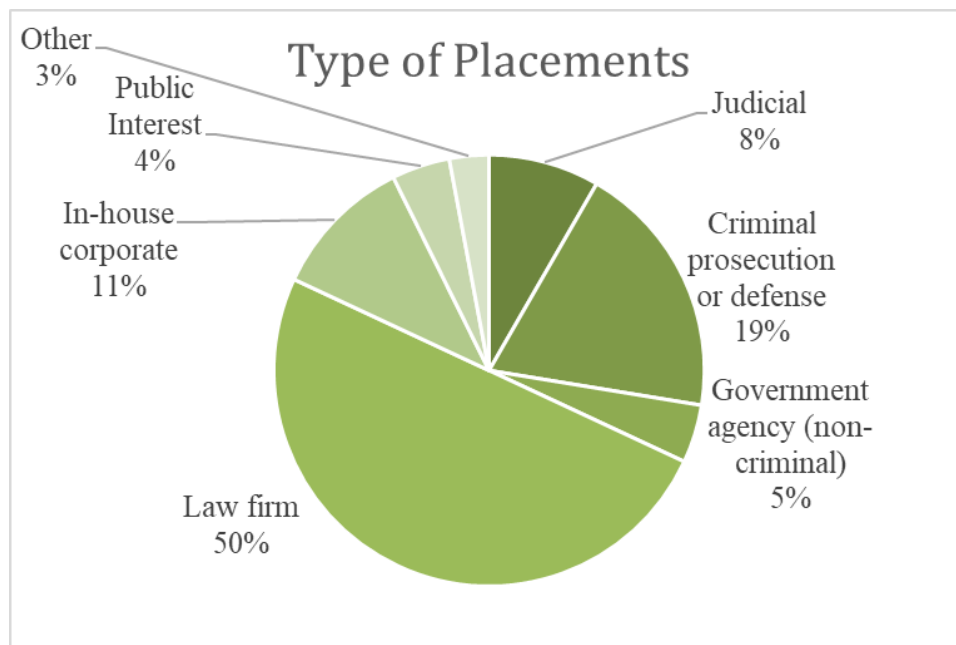


Figure A

92. Evaluation pairs were used in order to be able to use both the student and supervisor description of work performed, as described more fully in *supra* Part III.C. There were a handful of evaluations from either students or supervisors for which no digital pair was found. This was likely the result of the student filling out the electronic version of the survey, for example, and the supervisor using the older hard copy evaluation form. These unmatched evaluations were not used as part of this study.

The largest slice of externships is law firms, with 50 percent of all externs working at one. These firms range in size from solo practitioners to large law offices with hundreds of attorneys. Next is criminal prosecution and defense with 19 percent of the extern population. This category includes district attorneys, city attorneys and public defenders, but not private criminal defense attorneys. In-house corporate externs make up 11 percent of the extern population, working in corporations large and small, including the entertainment industry. Eight percent of externs worked for the judiciary, including state and federal, trial, and appellate courts. Government agencies other than criminal prosecution and defense account for just 4 percent of externships, including local, state and federal agencies. Also at 4 percent are public interest externships at various non-profit law offices. Finally, 3 percent of externs worked in “other,” which category includes non-traditional placements such as sports agents, think tanks, and accounting firms.

When broken down further by whether the placement was paid or unpaid, the externships studied were as follows:

Paid Externship Placement Type

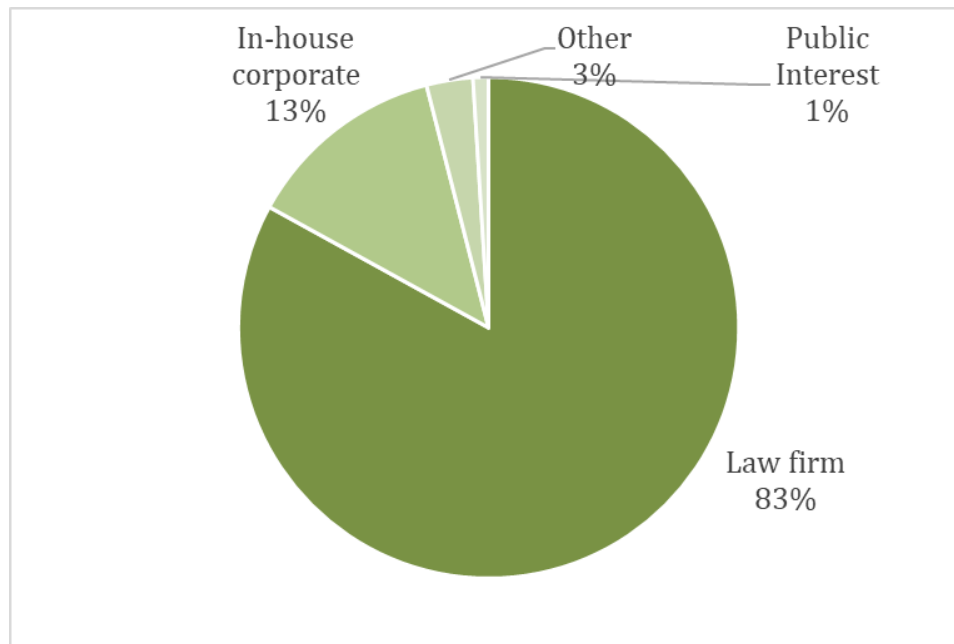


Figure B

This graph shows that the vast majority (83 percent) of paid placements are at law firms, with in-house corporate placements making up a much smaller (13 percent) group.

Unpaid Externship Placement Type

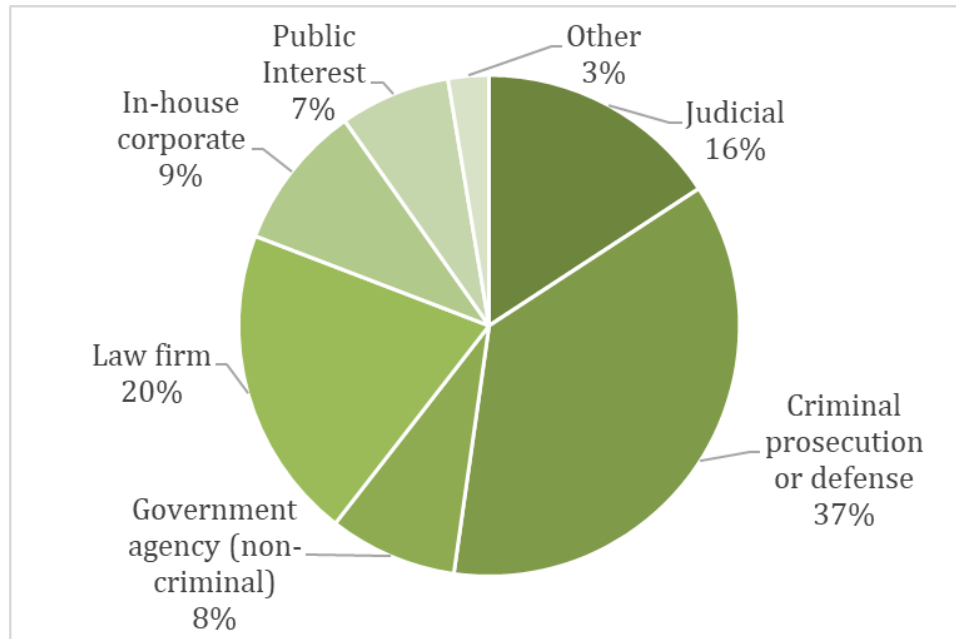


Figure C

The unpaid externships are much more diverse, with the largest group being criminal prosecution or defense (37 percent). Law firm (20 percent) and judicial externships (16 percent) are the next largest groups. The remaining types of externship placements make up less than 10 percent each of the total.

B. Shift in Placement Type Did Not Impact Traditional Placements

One of the arguments against allowing paid externships was that non-profits and government agencies would lose externs who instead chose to work in the private sector for pay. According to the Chapman data, this has not come to pass.

To understand whether there has been a shift in the type of placements students are registering for, the study compared placement types for the 7 semesters before the new rule was enacted, Fall 2014 through

Fall 2016, and the 10 semesters during which paid externships have been allowed, Spring 2017 through Spring 2020.⁹³

Whereas the previous breakdown in placement type was expressed in percentages, comparing percentages for this purpose would not be useful. This is because if the program itself grows, the raw number of public interest participants could stay the same, for example, but the relative percentage of public interest externs would look like a decrease. In fact, Chapman's program grew tremendously after paid externships were allowed, with 160 students externing in the last unpaid school year of 2015–2016, and 260 doing so in the 2019–2020 school year—a growth of over 60 percent. This increase is due almost entirely to the addition of paid externships. If the concern about paid externships' impact is whether there will be enough students still interested in working at nonprofits and the like, however, then we must look at the raw numbers of externs at each type of placement—not their percentages.

The graph below shows the average numbers of externs enrolled each semester in each type of externship before (Fall 2014 through Fall 2016) and after (Spring 2017 through Spring 2020) paid externships were allowed. During these two periods, the only policy change to the externship program at Chapman was the addition of paid externships.

93. Fall 2014 is the earliest semester for which the Author has retained data.

Average Number of Externs Per Semester Pre- and Post-Paid Externship Rule Change

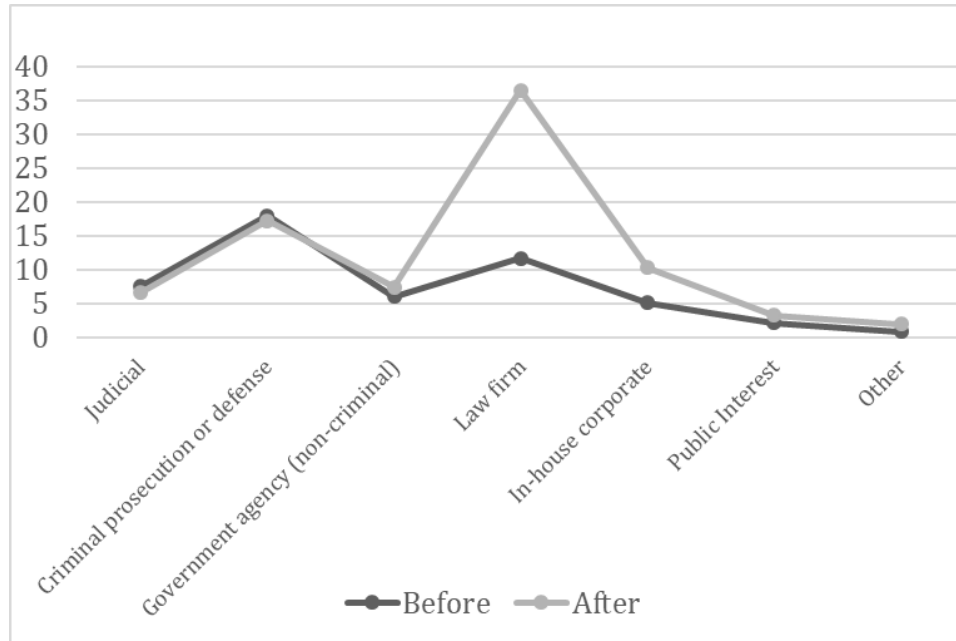


Figure D

As illustrated in Figure D, the average number of students externing in most categories before and after the ABA lifted the ban on paid externships has remained almost constant. For example, enrollment in government agency and public interest externships increased by just one student on average, while judicial and criminal law placements decreased by just one student. These differences do not mark a significant change in enrollment patterns.

The figure that jumps out, however, is law firm externships, skyrocketing from about 12 externs per semester in the before paid externship period to 37 post rule change. Similarly, in-house positions went from 5 students per semester before the ban was lifted to 10 students, doubling the student enrollment. Thus, the move to paid externships increased participation in the program in these two categories alone, drawing from students who would otherwise have worked paid clerkships without school credit but instead are now able to receive credit. There was no significant decrease in interest in other externship types, therefore the

increase in paid law firm externships was not the result of siphoning off students from other areas.

C. Numeric Performance Evaluations

1. Overall Success of All Externs

The semester-end evaluation asks the supervisor to rate the extern in two broad categories: legal skills, such as research, writing, and fact investigation, and professionalism/work habits, such as initiative, dependability, and productivity.⁹⁴ For all 503 externs, the mean score was 3.59 out of 4 for legal skills and 3.72 out of 4 for professionalism/work habits.

First, irrespective of the paid/unpaid focus of this Article, it is gratifying to see that students perform so well in their externships. Not only are their scores in the relevant categories high, but their evaluations are full of positive comments like the following:

“[Student] did a superb job and has grown leaps and bounds since working with us. We are proud to have her as a clerk with our firm, and she has been generating attorney-level work product.”⁹⁵

“[Student] is an outstanding extern and valuable member of the . . . Legal Department. She is intelligent, motivated, and extremely hardworking. It has been a pleasure to work with her . . .”⁹⁶

That Chapman externship students perform well on the job is not a surprise. A prior research study on externship success (Success Study) revealed that 98 percent of Chapman and other local law students were successful in their externships.⁹⁷ That study asked externship supervisors to rate their students in 29 skills areas drawn from the Foundations for Practice study by the Institute for the Advancement of the American Legal System.⁹⁸

94. See *infra* Appendix A.

95. Student Evaluation, Rec. No. 68-Paid (on file with Author).

96. Student Evaluation, Rec. No. 47-Paid (on file with Author).

97. Anahid Gharakhanian, Carolyn Young Larmore & Chelsea Parlett-Pelleriti, *Achieving Externship Success: An Empirical Study of the All-Important Law School Externship Experiences*, 45 S. ILL. U. L.J. 165, 193 (2021); see also Balsam & Reuter, *supra* note 5, at 26 (Table 6) (students at Brooklyn Law School scored an average 4.39 out of 5 in skills and professionalism categories).

98. Gharakhanian, Larmore & Parlett-Pelleriti, *supra* note 97, at 172; see also GERKMAN & CORNETT, *supra* note 82 (identifying 147 foundations that entry-level lawyers need to launch a successful career in the legal profession).

Students were rated in categories like legal research, professional writing and attention to detail.⁹⁹ The mean score for Chapman and the other local law students was a 4.66 out of 5.¹⁰⁰ Thus, it is clear that, in general, law students are performing well in their externship placements.

The other aspect of these results to notice is that students rated higher in the professionalism categories (3.72 out of 4) than in legal skills (3.59 out of 4). This result was also expected, as the Success Study found that supervisors rated students more favorably in the professionalism categories than in the legal skills categories.¹⁰¹ It should not be seen as negative that the legal skills were not rated more highly. In the Foundations for Practice study, from which the Success Study drew, 19 of the top 20 categories of skills that supervisors found most important in new attorneys were professional and character attributes like “treat others with courtesy and respect” and “attention to detail”; the only legal skill in the top 20 was “research the law.”¹⁰² As was suggested in the Success Study, “legal skills are different from the ‘character attributes’ and ‘professional competencies’ that students may bring to the externship, in that legal skills are typically a significant focus of what students are supposed to develop during the externship itself.”¹⁰³

2. Paid versus Unpaid Externs Scores

Next, the study broke down the overall evaluations to compare the supervisors’ evaluations of paid versus unpaid externs in order to see if there was any difference. Figure E reflects the mean score in legal skills and professionalism of all paid students versus all unpaid students.

99. Gharakhanian, Larmore & Parlett-Pelleriti, *supra* note 97, at 183.

100. *Id.* at 193.

101. *Id.* at 195; *see also* Balsam & Reuter, *supra* note 5, at 26 (Table 6).

102. GERKMAN & CORNETT, *supra* note 82, at 26–27, 30–34.

103. Gharakhanian, Larmore & Parlett-Pelleriti, *supra* note 97, at 213.

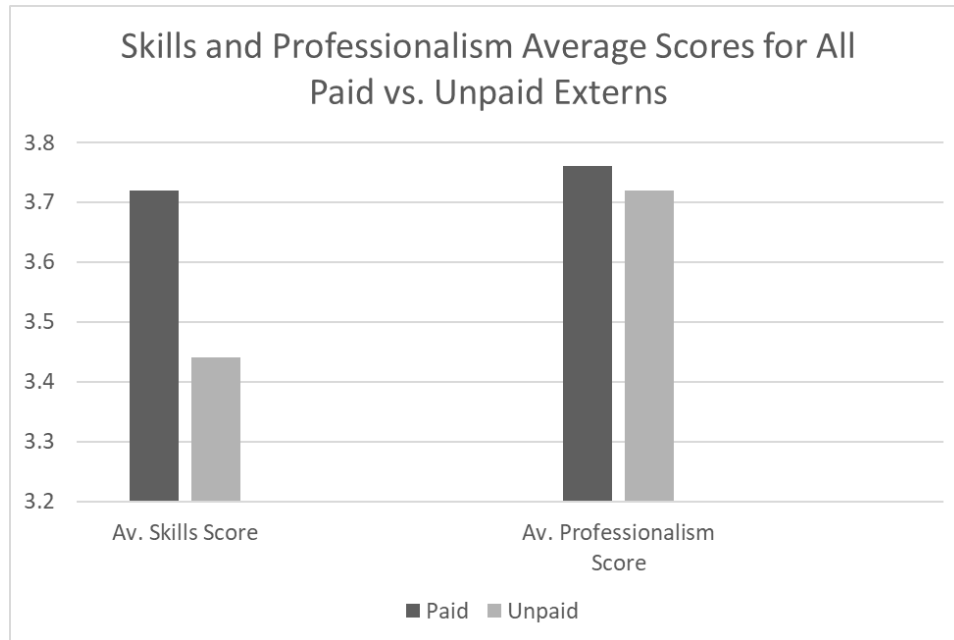


Figure E

While the paid and unpaid externs scored similarly in the professionalism categories (3.76 and 3.72, respectively), there is a significant difference between paid and unpaid externs in the legal skills categories (3.72 and 3.44, respectively).

To understand the overall differences, the data must be broken down into subcategories as follows:

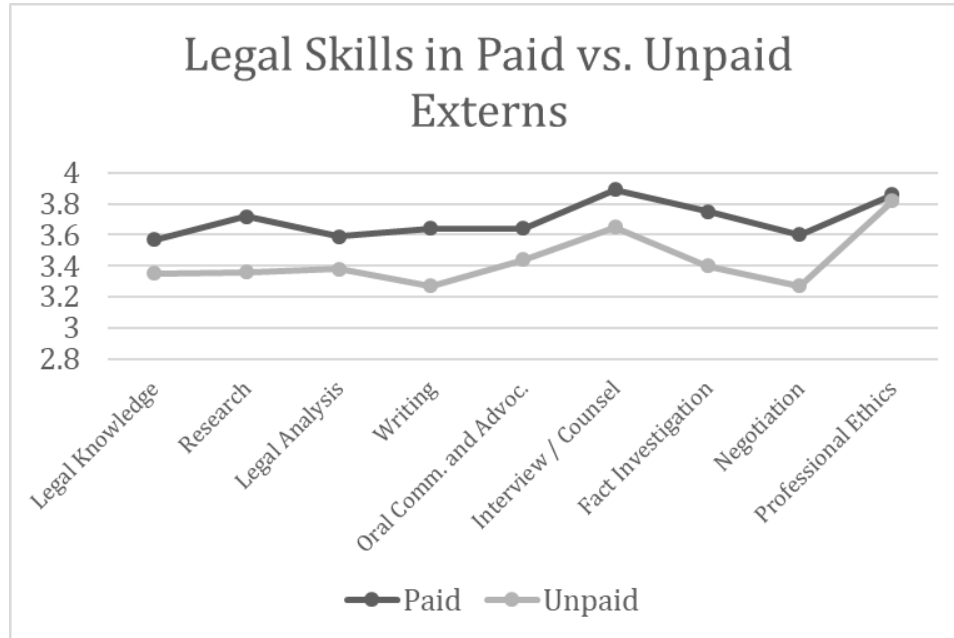


Figure F

In every category of legal skills, paid students were rated higher than unpaid. Such a difference between paid and unpaid externs' legal skills scores was not expected, and the reason for the discrepancy is unclear. It could be that the types of supervisors in the unpaid category—judges and district attorneys for example—are harsher critics than their law firm counterparts. It is also possible that those students who were able to “land” a paid externship had more work experience in the first place, thus leading them to perform better in the legal skills categories.¹⁰⁴ Or could it be that paid externs have an extra incentive to perform well in these categories? Whatever the reason, even the lower score of 3.44 out of 4 for legal skills is a strong showing by the unpaid externs.

Turning to professionalism scores, the gap between paid and unpaid externs is much narrower.

104. *Id.* at 200 (finding that prior professional experience correlates to greater externship success).

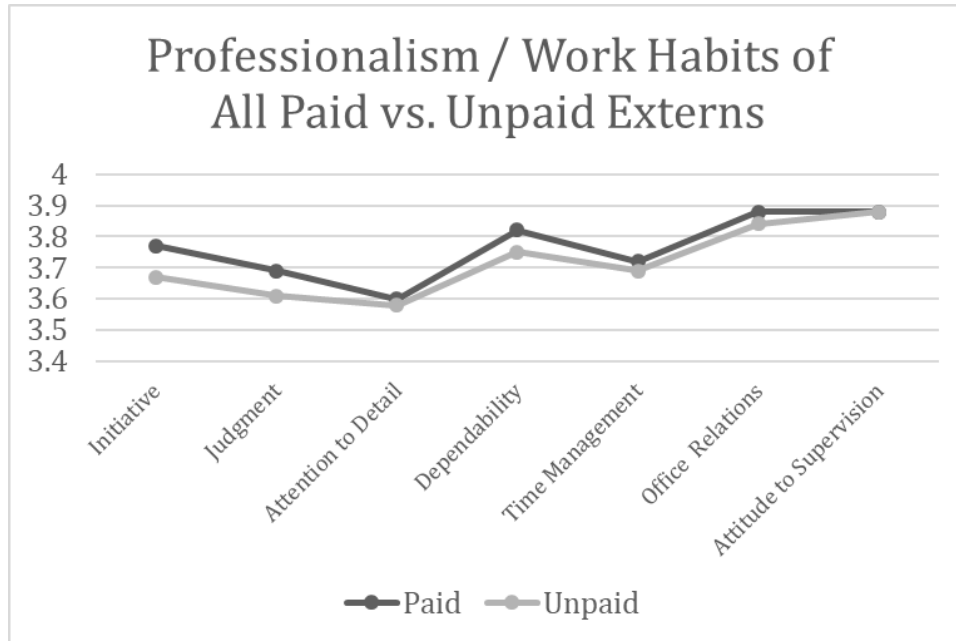


Figure G

These professionalism scores for all paid versus unpaid externs are closer together (with a 0.1 gap being the widest between them) and demonstrate no real distinction between paid and unpaid externs.

3. Law Firm and In-house Only Paid versus Unpaid Externs Scores

To eliminate the possibility that placement type might drive discrepancies between paid and unpaid externs, the study next limited the comparison to just law firm and in-house paid and unpaid externs. To accomplish this, the total pool of 503 externs was reduced to just 226 paid law firm and in-house externs versus 79 unpaid externs in the same settings. Upon doing so, the spread between paid and unpaid externs narrowed considerably.

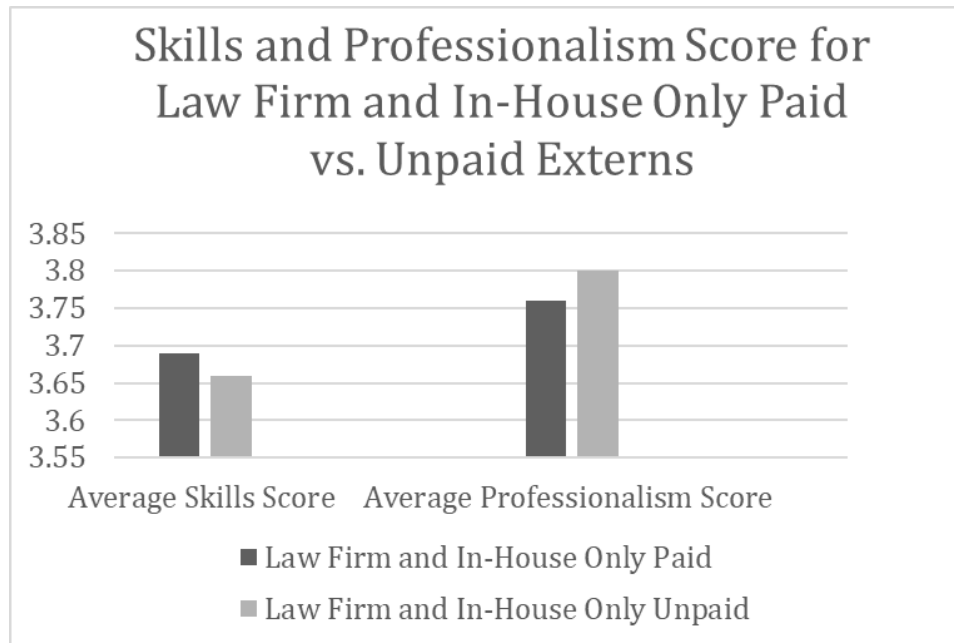


Figure H

Here, when comparing just externs working in law firms and in-house corporate legal departments, the legal skills score of the paid externs (3.69) is much closer to the unpaid score (3.66), and the professionalism score is flipped, with unpaid law firm and in-house externs scoring slightly higher (3.8) than their paid counterparts (3.76). With a difference of just 0.03 and 0.04 respectively, there is no meaningful distinction between these paid and unpaid scores.

Looking at each subcategory individually, one can see that the scores are indeed closer together.

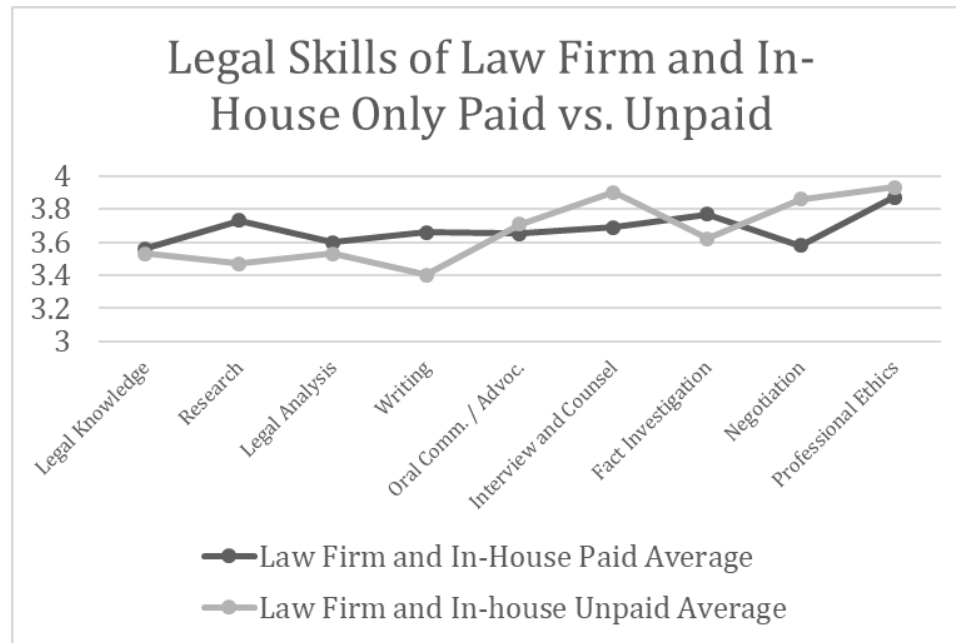


Figure I

The above figure demonstrates that paid and unpaid externs perform in a similar range, with sometimes one, sometimes the other, on top.

As for the professionalism subcategories, they were much steadier, but also as expected.

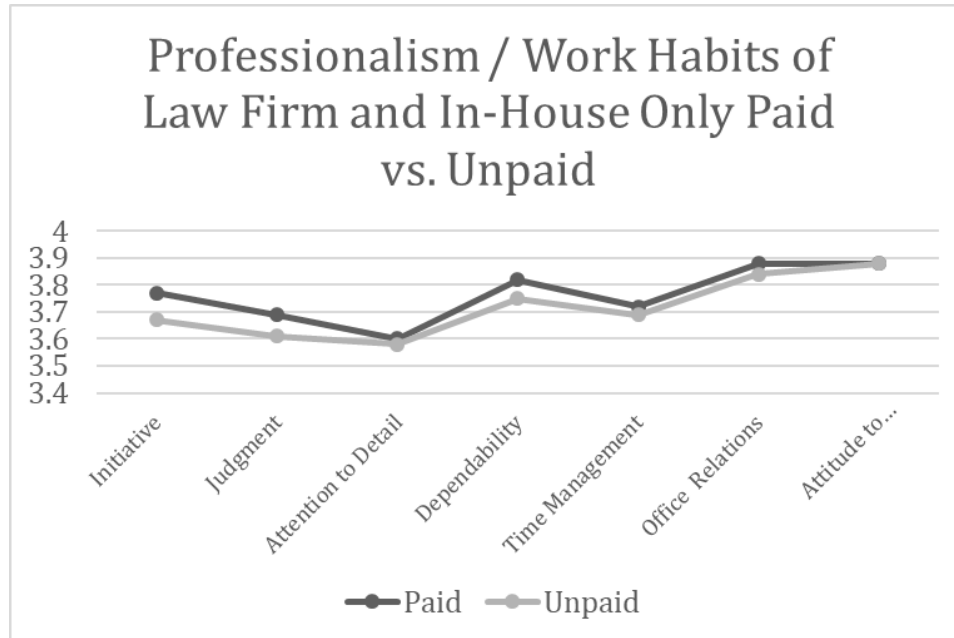


Figure J

These paid and unpaid extern scores track each other almost exactly, with paid rating slightly higher than unpaid but with no more than 0.1 difference between them. Again, no meaningful difference exists between the performance of the paid and unpaid externs.

D. Type of Work Performed: Paid versus Unpaid Externs

Of all the arguments against allowing paid externships, one of the biggest concerns has been the fear that students would not receive the same quality of assignments from a paid placement as they would if they only received school credit.¹⁰⁵ Therefore, the study closely examined the descriptions of work done in both the student and supervisor semester-end evaluations to determine if paid students were indeed assigned a lesser quality of work than their unpaid counterparts.

The analysis was limited to paid versus unpaid law firms and in-house counsel students, as these students should do more comparable work. By

105. See *supra* Part II.B.

removing judicial, government, and nonprofit students from the equation, the study more closely compares apples to apples. Law firms and in-house positions make up 94.5 percent of the paid externships, and 29 percent of the unpaid.

As touched on in Part III.C, above, this phase of the project required coding the narrative section of the matched semester-end evaluations in order to convert the description of work completed to a number that could be counted. There were 226 paid and 79 unpaid matched extern evaluations to code. All but four were able to be coded, making the final numbers 224 paid evaluation pairs and 77 unpaid.¹⁰⁶

To code the narratives of work performed, the Author started with the codes developed by Professors Balsam and Reuter in their study, eliminating several that were not relevant to this study (judicial writing, for example) and adding several more (administrative tasks and networking, for example).¹⁰⁷ The complete list of codes used in this project, as well as the percentage of paid versus unpaid externs reporting work in each category, are in Appendix C, *infra*, but an overview is as follows:

- 1) Legal research and memo writing
- 2) Fact-gathering and related work
- 3) Writing in the litigation or dispute resolution context
- 4) Transactional writing
- 5) Interaction with others besides the supervisor
- 6) Observation
- 7) Networking
- 8) Administrative work¹⁰⁸

Before beginning to describe the results, a few caveats regarding the limitations of this study. First, the narratives may suffer from under-inclusiveness, in that the supervisor and student are asked to reflect on the work done over an entire semester and may forget about some early or

106. Four evaluations were impossible to code and had to be eliminated from the study. For example, one described the practice area the student was involved in rather than the type of work the student did. Another listed merely “law clerk work.”

107. Balsam & Reuter, *supra* note 5, at 60 (Appendix B).

108. *See infra* Appendix C.

smaller assignments.¹⁰⁹ Under-inclusiveness is counteracted, to some degree, by using both the supervisor and student descriptions of work performed. Indeed, there were many instances where the student or supervisor described somewhat different assignments, which when taken together made for a more well-rounded picture of the student experience.

Additionally, the call of the question in the semester-end evaluations was “[p]lease describe the type of work . . . performed, giving examples where possible of specific assignments completed.”¹¹⁰ Thus, the question prompts student and supervisor to describe projects the student actively worked on, as opposed to opportunities for observation or networking, for example.¹¹¹ Similarly, the supervisors, and to some extent the students, may have answered the question with an eye toward pleasing the externship director, thus focusing the answer on only the most impressive-sounding tasks, leaving out the more mundane and administrative.¹¹² It is therefore expected that the numbers of some types of assignments may be artificially low.

Finally, the call of the question asked for a description of the type of work performed, not a description of the quantity. Thus, where a supervisor reported that a student wrote “research memos,” for example, there is no way to tell whether the student spent the semester writing 2 memos or 20.

1. *Legal Research and Fact-Based Work: Results*

Within the first category of legal research and second category of fact-based work categories, the Author used the following sub-codes:

First, the Author coded descriptions for whether the student performed basic legal research, the “quintessential contribution” of most junior lawyers,¹¹³ and therefore, most externs;¹¹⁴ she employed a second code if that research appeared to be of a “high-level” of complexity or quality,¹¹⁵

109. Balsam & Reuter, *supra* note 5, at 24–26 (explaining under-inclusiveness).

110. See *infra* Appendix B. The evaluation also asked the supervisor “Is there anything else you would like to share with . . . Chapman,” and where that answer reflected on the nature of the student’s work, it was considered as part of the description of work. See *infra* Appendix A.

111. Balsam & Reuter, *supra* note 5, at 24–26 (explaining incompleteness).

112. *Id.*

113. *Id.* at 18.

114. See *infra* Appendix C.

115. Balsam & Reuter, *supra* note 5, at 18–19 (coding for high-level research). The

for example if the supervisor specifically noted that the student's research was "excellent."¹¹⁶ Descriptions that mentioned preparing research memos were given their own code.¹¹⁷ The final subcategory in this section was whether the student engaged in fact-based work such as reviewing depositions or medical records, or interviewing clients or witnesses.¹¹⁸ As Professors Balsam and Reuter described, fact-based work required students to "dig into facts, and experience the messiness and indeterminacy of the factual basis of their legal work."¹¹⁹ Though the code for fact-based work was originally broken into three subcategories,¹²⁰ the figure below combines them into a single category.

vast majority of the information about high-level work came from supervisors' evaluations, not the students'.

116. Supervisor Evaluation, Rec. No. 16-Paid (on file with Author). *See infra* Appendix C.

117. *See infra* Appendix C.

118. *Id.*

119. Balsam & Reuter, *supra* note 5, at 21.

120. *See infra* Appendix C.

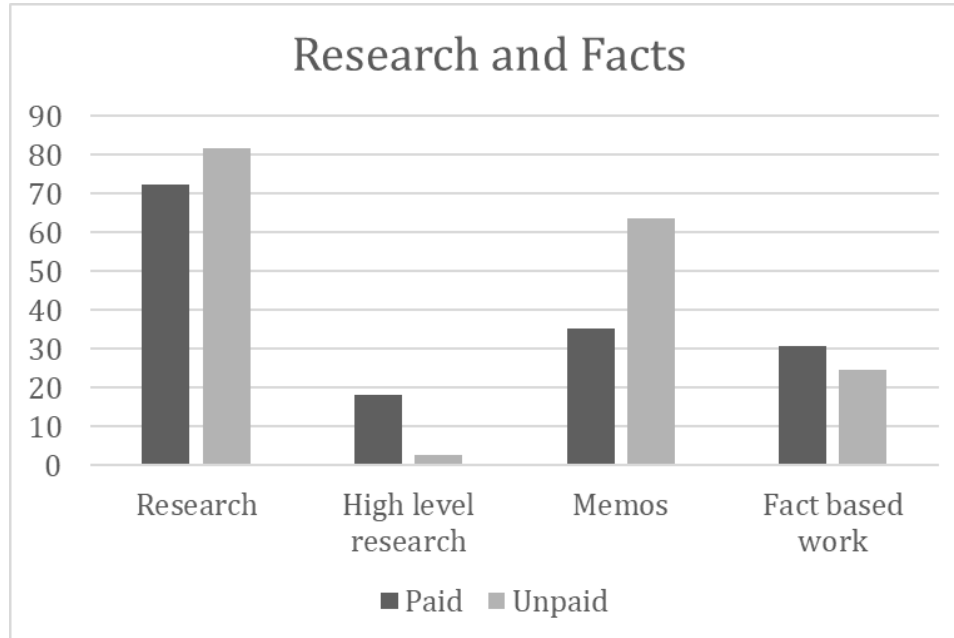


Figure K

As this figure demonstrates, a great number of law students, paid and unpaid, perform legal research and fact-based work.

Legal research, as one of many types of assignments, was comparable between paid and unpaid externs, as it was reported by 72.3 percent of paid externs and 81.8 percent of unpaid externs.¹²¹ Both groups of externs did about the same amount of fact-based work as well, with 30.8 percent of paid externs reporting fact-based work compared to 24.7 percent unpaid.¹²²

Interestingly, however, high-level legal research was reported by 18.3 percent of paid externs and only 2.6 percent unpaid. Why this should be is unclear, though it is a welcome statistic, as it means paid externs are not suffering in positions where they do repetitive or overly simple research assignments, but instead are learning from being challenged.

121. These figures are slightly lower than those reported by Professors Balsam and Reuter, who found 89.8 percent of their students did legal research across all practice areas. Balsam & Reuter, *supra* note 5, at 36.

122. Again, these figures are slightly lower than the 39.1 percent of students doing fact-based work found by Professors Balsam and Reuter. *Id.* at 37.

Finally, unpaid externs wrote more legal memoranda than paid externs, 63.6 percent unpaid as compared to 18.3 percent paid. This is a large disparity, though the Author would posit that it is one without a downside; the fact that paid externs are spending their time doing something other than writing research memos is not dispositive of any weakness in the paid externship program as a whole. It simply means that, for some reason, paid externs are writing fewer memos and doing more of the other types of writing described in the next Subpart.

2. Writing-Dispute Resolution and Writing-Transactional: Results

Within these third and fourth writing categories were the following subcategories: First, there were codes for litigation writing and high-level litigation writing; the former was called for where basic litigation documents were mentioned; the latter where the supervisor highlighted the student work for its complexity or quality.¹²³ Examples of high-level litigation writing were entries that noted drafting complex items like motions or otherwise noted the student's excellent drafting work.

Next, the Author coded transactional writing and high-level transactional writing, including activities such as: immigration documentation, real estate transactions, corporate work, and entertainment industry transactions.¹²⁴ The Author reserved the code for high-level

123. See *infra* Appendix C; see also Balsam & Reuter, *supra* note 5, at 19.

124. See *infra* Appendix C.

transactional writing for times when the supervisor's description connoted high quality or complexity.¹²⁵

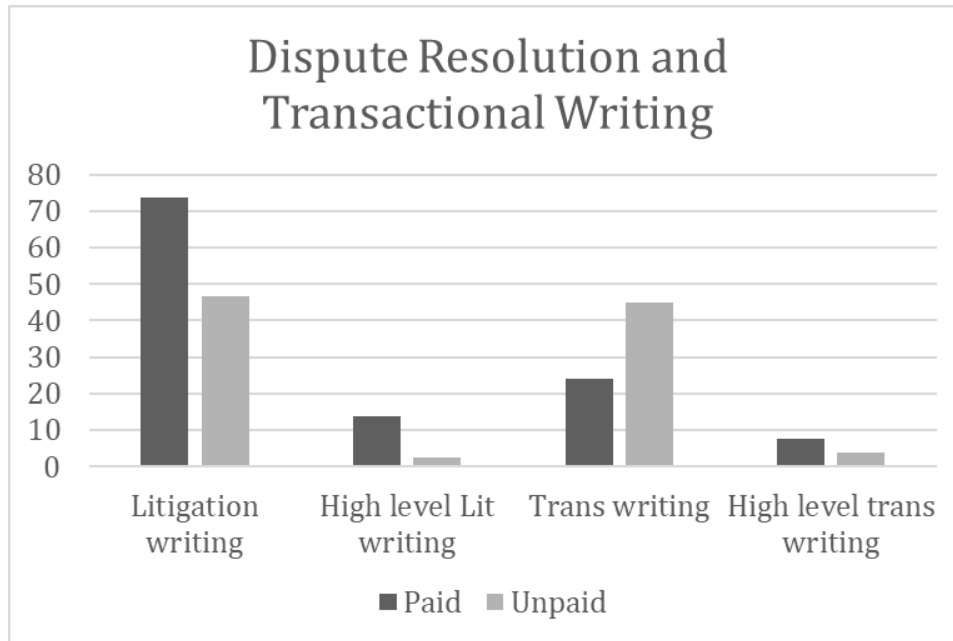


Figure L

Paid externs reported more litigation writing than their unpaid counterparts: 73.7 percent compared to 46.8 percent. The proportions were reversed when it came to transactional writing, as 45 percent of unpaid externs reported that type of work as compared to just 24.1 percent of paid externs. This may suggest that paid placements tend to be at litigation law firms, and unpaid placements tend to be in transactional firms. This is a distinction to note, but it does not raise any concerns, as the issue is just the subject matter of the work, not the quality of the work itself.

Quality of work was different between paid and unpaid, however. Just as paid externs did more high-quality research, as explained in the previous Part, high level litigation writing similarly skewed in favor of paid externs, with 13.8 percent of the paid externs' work descriptions including complex or high-quality work, as compared to 2.6 percent of the unpaid externs. Similarly, though to a lesser degree, 7.6 percent of paid and 3.9 percent of

125. *See id.*

unpaid externs reported doing high-level transactional writing. This data does not reveal why this might be, and the Author does not have a guess. Rather, she is content with this simple reassurance that paid externs are doing high-level litigation and transactional work.

3. *Observation, Direct Interaction with Others, and Networking: Results*

As noted in Part III.B above, one of the features of a traditional externship that is most valuable to students “is the opportunity to shadow a practicing lawyer and learn from observing, uncomplicated by the stress experienced by junior lawyers to provide value every minute on the job.”¹²⁶ For this very reason, those in favor of the paid externship ban argued that paid externs would miss out on observation opportunities and similar interactions because paying supervisors would not think it an efficient use of the student’s time.

To see if this worry had become a reality, the Author coded mention of the fifth, sixth, and seventh categories: observation, direct interaction with others, and networking opportunities.¹²⁷

The Author coded for observation when the work description included things such as sitting in on a client meeting, court proceeding, or deposition.¹²⁸ Direct interaction with clients, witnesses, and opposing counsel or the court is also something sought after in externships and perhaps forfeited when the student’s time is paid for, and therefore got its own code.¹²⁹ Finally, networking opportunities likely confer very little benefit on the externship supervisor, and thus the Author was curious to see if paid externs were ever given these opportunities.¹³⁰

126. Balsam & Reuter, *supra* note 5, at 21.

127. *See infra* Appendix C.

128. *See id.* Although these were originally coded separately, the observation codes were combined for reporting here.

129. *See id.*

130. *See id.* As explained above, the call of the question’s focus on “work” performed likely limited the number of responses that would reflect networking, as it would not likely be considered “work.” *See supra* Part IV.D (examining under-inclusiveness).

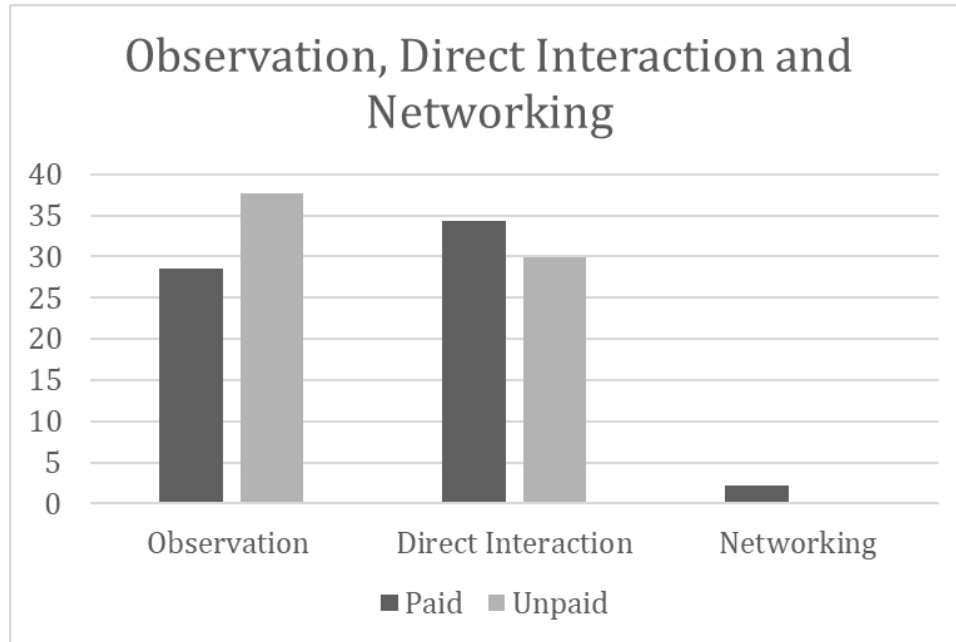


Figure M

As might have been predicted, there was a slight difference between the observation opportunities of paid versus unpaid externs, as 28.6 percent of paid externs received multiple or substantial observation opportunities, as compared to 37.7 percent of unpaid externs.¹³¹ The Author would argue, however, that a difference of less than 10 percent is noteworthy but not worrisome. If the paid externs were really sacrificing observation opportunities because of their paid status, the percentage should be much lower. Instead, more than a quarter of paid externs are given the educational opportunity to observe attorneys at work.

As for direct interaction with others, the numbers are reversed, with 34.4 percent of paid externs engaging with clients, etc., whereas only 29.9 percent of unpaid externs did so.¹³² Thus, the worry that paid externs might be denied this type of opportunity did not come to pass.

131. These figures are generally consistent with Professors Balsam's and Reuter's finding of 34.4 percent across all practice areas. Balsam & Reuter, *supra* note 5, at 37.

132. These figures were more robust than the 18.6 percent found by Professors Balsam and Reuter. *Id.*

Finally, 2.2 percent of paid externs reported networking opportunities as compared to zero reported networking events for unpaid students. While this percentage is minute,¹³³ it is remarkable, nonetheless. That any paid externs were taken to bar events and networking meetings at all is a great finding.

4. *Administrative Support: Results*

The eighth group of codes applied to the work descriptions supplied by supervisors and students was for any sort of administrative work reported.¹³⁴ This is another area in which externship faculty may worry that a paid student would be given more than a *de minimis* amount of responsibility.¹³⁵ Therefore, if the description mentioned that the student answered telephones, the Author coded it as such; she applied a second code when the student or supervisor listed administrative or paralegal-type work such as filing documents with the court or organizing case files.¹³⁶

133. See *supra* Part IV.D for discussion of why networking numbers would be artificially low.

134. See *infra* Appendix C.

135. See *supra* Part III.B. See also *Site Supervisor, Student Extern and Faculty Supervisor Agreement*, *supra* note 72 (“Administrative work will be kept to a minimum.”).

136. See *infra* Appendix C. See *supra* Part III.B for discussion of why some administrative work is allowable in any externship.

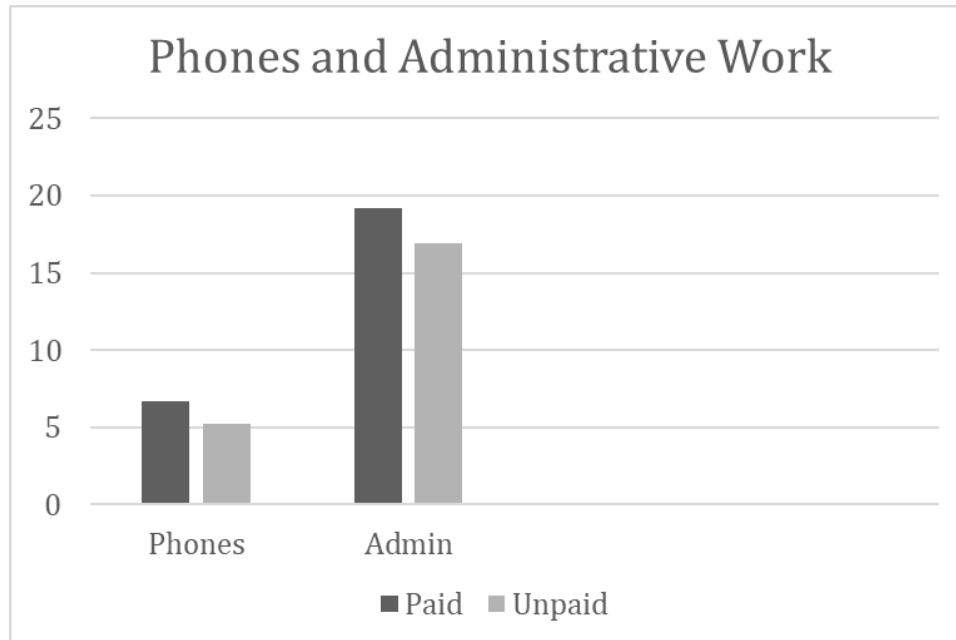


Figure N

Pure administrative work like answering telephones was performed by paid and unpaid externs about equally, with 6.7 percent for the former and 5.2 percent for the latter. More substantive administrative work was also similar, with 19.2 percent of paid externs reporting doing paralegal-type work compared to 16.9 percent of unpaid externs. These findings are a boon to the argument in favor of paid externships, as the increase in this type of non-lawyer work done by those students was negligible.

E. Student Self-Reported Experience Satisfaction: Paid versus Unpaid Externs

At the end of the student self-evaluation, students were asked to rate their “overall experience” on a 10-point scale as follows: 10–“Best thing I’ve done in law school”; 9–“Really great”; 8–“Great”; 7–“Good”; 6–“Pretty good”; 5–“OK”; 4–“Mostly bad”; 3–“Bad”; 2–“Really bad”; and 1–“Worst thing I’ve done in law school.”¹³⁷

137. See *infra* Appendix B.

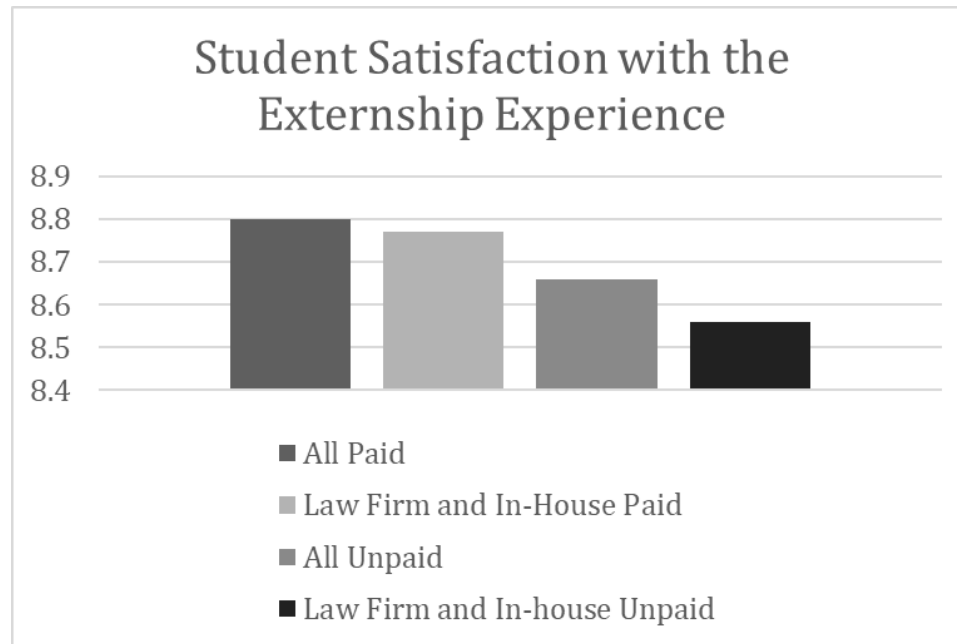


Figure O

Interestingly, paid externs tended to rate their experience slightly higher than their unpaid counterparts, whether the categories examined are all paid versus unpaid, or restricted to just law firms and in-house placements that were paid or unpaid. The reasons that paid externs might find slightly more satisfaction in their externships than unpaid externs are not revealed by the data, though the obvious answer might be that the paid students were happier to be just that—paid. While it is comforting to know that our paid students are not unhappy and feeling that they are undervalued and doing unimportant work, for example, the reasons why externs are somewhat happier with their paid positions than with their unpaid ones are mere conjecture.

That said, the range at issue is a rather small one, with unpaid law firm and in-house externs scoring their experiences at 8.56 out of 10 at the low end of the spectrum, and all paid externs rating their experiences at 8.8 out of 10. In other words, perhaps the lesson here is that all students, paid and

unpaid, rated their experiences somewhere between “great” and “really great.”

V. TAKEAWAYS

For law schools that currently allow, or are considering whether to allow, paid externships, this study offers several takeaways that can inform program decisions and faculty supervision of externships.

A. *Shift Toward Paid Placements Does Not Draw Students Away from Traditional Placements*

As detailed in Part IV.B and Figure D, a shift in placement type occurred when paid externships were allowed, in that the raw number of law firm and in-house externships shot up, as might be expected when students with what would otherwise be paid clerkships were able to convert them to paid for-credit externships.¹³⁸ In response, Chapman has made a few changes to its program to support these students, including increasing the number of faculty in the program to support the overall greater number of externs, and revising some of its reflective journaling prompts to be more attuned to the type of work environment students are experiencing. For example, students in a private law firm can now choose to reflect on the role that billing plays in the private law firm.

Importantly, the increase in paid law firm externships was not the result of attracting students away from other areas, such as criminal prosecution and defense, judicial, general government, and non-profit. This directly counters the concern from those opposed to paid externships that paid opportunities might come at the expense of these important positions.

B. *Paid Externs Rated Slightly Higher by Supervisors and in Student Satisfaction*

The study revealed something unexpected in its finding, described in Part IV.C.2 and Part IV.E, that supervisors rated their paid students higher than unpaid students in legal skills and professionalism attributes, and that paid students rated their overall experiences slightly higher than their unpaid counterparts. These statistics do not call for a remedy, but rather a celebration. Externs in paid positions are doing great.

138. See *supra* Part IV.B (Figure D).

C. Slightly Different Work Assigned to Paid and Unpaid Externs

Perhaps the greatest area for concern raised by the skeptics of paid externships and the study results is that paid and unpaid externs are indeed receiving somewhat different types of assignments, as detailed in Part IV.D.

In some areas like high-level research, litigation, and transactional writing, paid externs are surprisingly doing more of this type of work. So, in some work areas, paid externs are actually thriving, doing better quality work than their unpaid colleagues. In short, in these areas there is nothing to worry about.

In other areas, however, like observation, paid externs are doing less than unpaid externs. The differences, though, are not large enough to support a call to end paid externships. Rather, the slight variances between what work paid and unpaid externs are doing might be balanced out through better communication. At Chapman, for example, communication about what work is expected of externs, including things like observation and minimal administrative tasks, is achieved through the three-party written understanding.¹³⁹ But if the externship program wants to ensure that students get a certain type of work experience, perhaps more is needed, such as mid-semester site visits that specifically address the areas in which paid externs are potentially lacking.¹⁴⁰

On the whole, however, the Author would posit that, while there may be some minor deficiencies in the ideal balance of work performed by paid externs, the fact that some areas of their work are of a higher level means that the overall work performed balances out. Paid externs and their supervisors may benefit from more communication with the Externship Director, but on the whole they are performing a variety of high-quality work that does not need to be remedied.

VI. CONCLUSION

Paid externships are an area of experiential education that have been the focus of much debate, with champions and detractors on each side. The Author hopes that this study of the paid externship experience, with its

139. See *Site Supervisor, Student Extern and Faculty Supervisor Agreement*, *supra* note 72.

140. For example, the externship director might suggest that the student be given more observation opportunities, and if the paying site supervisor is not amenable to the suggestion, the externship director could recommend, with the student's agreement, that the supervisor provide observational opportunities on an unpaid basis on top of the student's paid work.

overwhelmingly positive results, will move the debate from the theoretical and anecdotal into the realm of the empirical. And that empirical evidence reveals that paid externships provide a robust educational experience for law students with few drawbacks.

APPENDIX A

5/18/2020

Externship Supervisors: Final Evaluation

Externship Supervisors: Final Evaluation

Please fill out this form to give Chapman University, Fowler School of Law, valuable feedback on your experience supervising one of our students this term. (Please note that this form requests your email address so that you may be sent a copy of your responses).

* Required

Email address *

Your email

Name of your court, office, or organization *

Your answer

Your name *

Your answer



5/18/2020

Externship Supervisors: Final Evaluation

Which of the following best describes this externship placement *

- ☐ Judicial
- ☐ Criminal prosecution or defense (gov't)
- ☐ Government agency (non-criminal)
- ☐ Law Firm
- ☐ In-house corporate
- ☐ Public interest
- ☐ Other:

Student name *

Your answer

Semester of externship *

Choose ▼

Did the student also receive compensation? *

Choose ▼



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Externship Supervisors: Final Evaluation

Please describe the type of work the student performed, giving examples where possible of specific assignments completed *

Your answer

How would you rate the student's legal skills by the end of the externship? *

	N/A	Poor	Fair	Good	Excellent
Legal Knowledge	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Research	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Legal Analysis	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Writing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Oral Communication and Advocacy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Interviewing and Counseling	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Fact Investigation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Negotiation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Professional Ethics	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (fill in below)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



5/18/2020

Externship Supervisors: Final Evaluation

How would you rate the student's professionalism / work habits by the end of the externship? *

	N/A	Poor	Fair	Good	Excellent
Initiative	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Judgment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Thoroughness and Attention to Detail	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Dependability	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Productivity and Time Management	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Office and Staff Relations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Attitude Toward Supervision, Critique	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (fill in below)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

If you selected "other" above, please describe

Your answer



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Externship Supervisors: Final Evaluation

If you marked any category as "poor," please explain your assessment *

Your answer

Which skills did the student improve most? Please select as many as are applicable *

- ☐ Legal Knowledge
- ☐ Research
- ☐ Legal Analysis
- ☐ Writing
- ☐ Oral Communication and Advocacy
- ☐ Interviewing and Counseling
- ☐ Fact Investigation
- ☐ Negotiation
- ☐ Professional Ethics
- ☐ Initiative
- ☐ Judgment
- ☐ Thoroughness and Attention to Detail
- ☐ Dependability
- ☐ Productivity and Time Management
- ☐ Office and Staff Relations
- ☐ Attitude Toward Supervision, Critique
- ☐ Other:



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5/18/2020

Externship Supervisors: Final Evaluation

Please give the student your feedback

We encourage supervisors to review evaluations with students as part of an exit interview, whether with this document or one of your own. Note: to save a copy of this document, right-click and select "print" now, before hitting "submit."

I have already shared, or plan to share, my review with the student. *

☐ Yes

☐ No

Did the student complete his or her time/hours commitment to your court, office or organization? *

☐ Yes

☐ No

If no, please explain

Your answer

Is there anything else you would like to share with the Chapman University, Fowler School of Law, Externship Program? *

Your answer

A copy of your responses will be emailed to the address you provided.



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Submit



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Externship Supervisors: Final Evaluation

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APPENDIX B

5/18/2020

Externship Students: Final Evaluation

Externship Students: Final Evaluation

Please fill out this form to give the Externship Director valuable feedback on your experience this semester, and also to (anonymously) assist future students in evaluating whether a particular externship would be a good fit for them.

* Required

Email address *

Your email

Where did you extern? *

Your answer

Name of primary supervisor *

Your answer



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Externship Students: Final Evaluation

Which of the following best describes the externship placement *

- ☐ Judicial
- ☐ Criminal prosecution or defense (gov't)
- ☐ Government agency (non-criminal)
- ☐ Law Firm
- ☐ In-house corporate
- ☐ Public interest
- ☐ Other:

Your name *

(Note - this is just to keep track of who has responded. Your answers will be kept confidential).

Your answer

Semester of externship? *

Choose ▼

Did you also receive compensation? *

Choose ▼



5/18/2020

Externship Students: Final Evaluation

Please describe the type of work you performed, giving examples where possible of specific assignments completed. *

Your answer

How would you rate your legal skills by the end of the externship? *

	N/A	Poor	Fair	Good	Excellent
Legal Knowledge	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Research	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Legal Analysis	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Writing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Oral Communication and Advocacy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Interviewing and Counseling	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Fact Investigation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Negotiation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Professional Ethics	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (fill in below)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



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Externship Students: Final Evaluation

How would you rate your professionalism / work habits by the end of the externship? *

	N/A	Poor	Fair	Good	Excellent
Initiative	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Judgment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Thoroughness and Attention to Detail	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Dependability	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Productivity and Time Management	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Office and Staff Relations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Attitude Toward Supervision, Critique	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (fill in below)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

If you selected "other" above, please describe

Your answer



5/18/2020

Externship Students: Final Evaluation

If you marked any category as "poor," please explain your assessment

Your answer

Which skills do you think you improved most? Please select as many as are applicable *

- ☐ Legal Knowledge
- ☐ Research
- ☐ Legal Analysis
- ☐ Writing
- ☐ Oral Communication and Advocacy
- ☐ Interviewing and Counseling
- ☐ Fact Investigation
- ☐ Negotiation
- ☐ Professional Ethics
- ☐ Initiative
- ☐ Judgment
- ☐ Thoroughness and Attention to Detail
- ☐ Dependability
- ☐ Productivity and Time Management
- ☐ Office and Staff Relations
- ☐ Attitude Toward Supervision, Critique
- ☐ Other:



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Externship Students: Final Evaluation

What was the best thing about your externship? *

Your answer

What was the worst / most difficult thing about your externship? *

Your answer

How would you rate your overall experience? *

Choose ▼

A copy of your responses will be emailed to the address you provided.

Submit

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APPENDIX C
PAID VS. UNPAID EXTERNSHIP CODING FACTORS

Abbrev.	Coding Factor	Paid	Unpaid
LR-1	Legal research-exclusively	0%	0%
LR-2	Legal research-one of many types of assignments	72.3%	81.8%
LR-3	High-level legal research: complexity, high quality	18.3%	2.6%
LR-4	Research memos	35.3%	63.6%
WDR-1	Writing-dispute resolution - work on one type of document	1.8%	0
WDR-2	Writing-dispute resolution-multiple types of docs	73.7%	46.8%
WDR-3	High-level dispute resolution writing: complex, high quality	13.8%	2.6%
WT-1	Writing-transactional-limited to one document type	.09%	2.6%
WT-2	Writing-transactional-multiple doctypes	24.1%	45%
WT-3	High level transactional drafting-complex, high quality	7.6%	3.9%
FBW-1	Limited fact-based work (simple fact presentation)	6.3%	1.3%
FBW-2	Substantial fact-based work (raw facts, gathering and analysis)	30.8%	24.7%
FBW-3	High-level fact-based work: complexity, high quality	0.4%	0%
OB-1	Single or limited observation opportunity	4.0%	1.3%
OB-2	Multiple or substantial opportunities for observation	28.6%	37.7%
OB-3	Attorneys pre/post discussion re observation	0%	0%
OB-4	Observation of client	7.1%	14.3%
OB-5	Observation of court proceedings /depositions/mediations ¹⁴¹	26.8%	26.0%
OB-6	Observation of opposing counsel (meetings, etc.)	0.4%	3.9%
OB-7	Observation of negotiation	1.3%	3.9%
OB-8	Observation of in-house meetings	1.8%	13.0%
DIO-1	Direct interaction with others-single or limited	1.3%	1.3%
DIO-2	Direct interaction with others-multiple or substantial interactions	34.4%	29.9%
DIO-3	Direct interaction with others-client	33.0%	29.9%
DIO-4	Direct interaction with others-court representatives (clerks, etc.)	1.8%	1.3%
DIO-5	Direct interaction with others-witnesses, opposing counsel, etc.	7.1%	3.9%
ADM-1	Pure administrative work (phones)	6.7%	5.2%
ADM-2	Paralegal work (filing with the court, organizing case files)	19.2%	16.9%
NET-1	Networking	2.2%	0%