

ppp]
ships*Significant but Unheralded Growth of Extern-*

of experiential learning have increased significantly, externships have outpaced the growth of clinical positions filled.

TABLE I: Annual Total Clinical Positions and Field Placements (1996–2011)

Academic Year	Official Guide	# of clinical positions filled	# involved in field placements	# of Schools Reporting
1995–96	1998 ed.	13,594	16,762	180 schools
1996–97	1999 ed.	13,828	17,665	179 schools
1997–98	2000 ed.	14,319	15,654	182 schools
1998–99	2001 ed.	13,964	14,814	183 schools
1999–00	2002 ed.	13,581	13,756	184 schools
2000–01	2003 ed.	13,546	12,770	185 schools
2001–02	2004 ed.	14,282	13,391	187 schools
2002–03	2005 ed.	15,183	14,849	188 schools
2003–04	2006 ed.	16,009	17,227	189 schools
2004–05	2007 ed.	18,280	20,486	190 schools
2005–06	2008 ed.	18,907	21,085	194 schools
2006–07	2009 ed.	19,024	22,423	196 schools
2007–08	2010 ed.	20,119	23,482	199 schools
2008–09	2011 ed.	21,716	25,392	198 schools
2009–10	2012 ed.	22,868	26,936	199 schools
2010–11	2013 ed.	22,865	27,586	200 schools

VI. Survey of the Ninety-Five Largest Externship Programs

In 2011 and 2012, we surveyed several externship directors at law schools whose programs have reached at least 25% of their eligible second- and third-year students in a single year.¹⁰⁵ We chose 25% student

105. In previous articles, Professor Backman used the benchmark of 35% participation by “eligible full-time students.” *E.g.*, Backman, *Practical Examples*, *supra* note 12, at 7 (reporting on “the 38 law schools with more than 35% of their eligible full-time students involved in field placements in a single year”). He calculated each school’s percentage using a formula in which the numerator was total field placements and the denominator was full-time students multiplied by 0.67 [*# involved in field placements full time ÷ (full-time students × 0.67) ≈ % of 2L and 3L students involved in field placements*]. The formula approximated “the percentage of eligible 2L and 3L students who participated in the law school’s reported field experiences in the reporting year.” *Id.* at 8. In this Article, we opted to calculate externship-to-enrollment percentages for the 2006–12 academic years using the simpler formula of total field placements divided by full-time students, as featured in

ppp]
ships*Significant but Unheralded Growth of Extern-*

categories, or focus groups, to make statistical comparisons more relevant. We compared law-school programs that resemble each other in terms of the growth, decline, or fluctuation patterns they have experienced as noted in the 2008 to 2013 editions of the *Official Guide*. Each *Official Guide* actually reports the figures for earlier academic years. Therefore, in this case, the figures reported are from the academic years concluding in 2006 through 2011.

The seven focus groups reported below are law schools that between 2006 and 2011: (1) experienced significant growth ($\geq +13\%$); (2) showed steady growth (from $+2\%$ to $+12\%$); (3) reached the 25% participation threshold or higher for the first time in 2010, 2011, or 2012; (4) maintained consistently high participation except for one off-year; (5) fluctuated, stagnated, or declined (from $+1\%$ to -10%); (6) reached the 25% participation plateau or higher once but declined ever since; and (7) suffered significant decline (-11% or greater).

1. Experienced significant growth ($\geq +13\%$)

TABLE 2: Law Schools that Experienced Significant Growth ($\geq +13\%$)																		
# Involved in Field Placements from <i>ABA-LSAC Official Guide to ABA-Approved Law Schools 2008–13</i>																		
Field Placements Divided by Enrollment full-time = Ratio Participation (%)																		
<i>Official Guide</i>	2008			2009			2010			2011			2012			2013		
School Year	2006			2007			2008			2009			2010			2011		
	Field Placements	Enrollment full-time	Ratio Participation (%)	Field Placements	Enrollment full-time	Ratio Participation (%)	Field Placements	Enrollment full-time	Ratio Participation (%)	Field Placements	Enrollment full-time	Ratio Participation (%)	Field Placements	Enrollment full-time	Ratio Participation (%)	Field Placements	Enrollment full-time	Ratio Participation (%)
Arizona	43	463	9	42	453	9	123	469	26	137	475	29	115	469	25	112	440	25
Arizona State	122	629	19	174	595	29	175	539	32	234	576	41	248	614	40	282	602	47
Brooklyn	447	1152	39	518	1186	44	586	1211	48	574	1278	45	713	1293	55	688	1294	57
Capital	182	470	22	95	459	21	132	446	30	138	461	30	157	486	32	174	454	38
Catholic	130	604	22	132	607	22	97	592	16	152	574	26	202	562	36	186	504	37
Dayton	35	458	8	119	424	28	114	479	24	156	500	31	141	524	27	135	488	28
Denver	210	827	25	256	855	30	355	839	42	365	786	46	324	768	42	397	769	52
Houston	195	815	24	222	785	28	151	748	20	153	715	21	176	701	25	258	674	38

BYU Journal of Public Law

[Vol. 28]

Indiana Bloomington	171	648	26	183	619	30	156	612	25	217	630	35	258	646	40	279	692	40
La Verne	49	172	28	49	205	24	24	241	10	48	275	17	62	312	20	102	181	56
Mississippi College	52	538	10	58	528	11	72	537	13	148	531	28	170	536	32	154	555	28
Nevada Las Vegas	103	338	30	122	341	36	127	371	34	134	366	37	125	347	36	142	324	44
Northeastern	414	626	66	412	624	66	546	615	89	524	602	87	483	629	77	538	656	82
Pace	81	499	16	115	533	22	170	543	31	140	562	25	109	614	31	214	644	33
Santa Clara	250	743	34	268	728	37	185	732	25	233	749	31	382	749	51	382	738	52
St. Thomas Minn.	560	443	126	601	467	129	624	451	138	621	457	136	609	475	128	637	481	132
Southwest- ern	220	676	33	257	698	37	286	699	41	269	729	37	267	741	36	302	738	41
Utah	192	391	49	196	397	49	256	385	46	221	381	58	278	402	69	330	398	83
Whittier	33	449	7	100	372	27	81	364	22	100	450	22	129	475	27	158	564	28

This group, depicted in Table 2, lists law schools that experienced significant growth of 13% or higher over the six-year period. After each law school's name appears the number of students in field placements and the ratio of participation among that school's full-time students for each of the six years.

In considering this group of large programs that have experienced significant growth over these six years, we note that the growth has occurred both in law schools with large programs (Brooklyn with a maximum of 713 students in externships during 2010 and St. Thomas–Minnesota with a maximum of 624 students in externships during 2008) and in law schools with much smaller programs (Arizona with 137 externship students during 2009 and Whittier with 129 externship students during 2010). This level of significant growth has happened in schools beginning with a low 7% ratio of participation and rising as high as 28% (Whittier); beginning with 8% and rising as high as 31% (Dayton); and beginning with 9% and rising as high as 29% (Arizona). In contrast, schools beginning with high participation ratios (126% for St. Thomas–Minnesota and 49% for Utah) are also showing significant growth (St. Thomas–Minnesota rising to a high of 138% and Utah to a high of 83%). It should be mentioned that the program at St. Thomas–Minnesota differs from traditional externship programs because it is a mandatory mentoring program involving all of their students with practical experience

2. Showed steady growth (from +2% to +12%)

TABLE 3: Law Schools that Showed Steady Growth (+2% to +12%)

<i>Official Guide</i>	2008			2009			2010			2011			2012			2013		
School Year	2006			2007			2008			2009			2010			2011		
	Field Placements	Enrollment full-time	Ratio Participation (%)	Field Placements	Enrollment full-time	Ratio Participation (%)	Field Placements	Enrollment full-time	Ratio Participation (%)	Field Placements	Enrollment full-time	Ratio Participation (%)	Field Placements	Enrollment full-time	Ratio Participation (%)	Field Placements	Enrollment full-time	Ratio Participation (%)
Baylor	93	401	23	101	411	25	101	418	24	91	465	20	128	466	27	129	435	30
Brigham Young	249	460	54	253	457	55	214	458	47	195	447	44	252	443	57	245	430	57
Chapman	97	516	19	129	474	27	150	507	31	153	510	30	179	546	33	141	506	28
Connecticut	92	464	20	105	484	22	135	479	28	118	450	26	122	440	28	109	461	24
Emory	191	474	20	176	709	25	173	697	25	188	715	26	240	792	30	269	810	33
George Washington	277	1428	19	321	1402	23	335	1398	24	331	1328	25	381	1410	27	343	1400	24
Golden Gate	129	602	21	204	538	30	255	515	50	198	529	37	171	616	28	190	568	33
Illinois	169	626	27	150	587	26	178	587	30	199	617	32	257	640	40	233	639	36
Kansas	109	482	23	119	491	24	101	489	21	131	499	26	129	497	26	138	463	30
Louisville	106	303	35	94	323	29	90	351	26	110	368	30	148	379	39	142	363	39
Marquette	158	499	32	150	530	28	159	563	28	167	563	30	196	585	34	204	586	35
Maryland	143	473	24	161	478	24	177	714	25	246	723	34	230	734	31	234	735	32
Michigan State	269	730	37	214	696	31	258	812	32	267	892	30	352	804	44	328	716	46
Ohio Northern	75	311	24	73	311	23	77	309	25	85	307	28	82	313	26	82	311	26
Stetson	187	806	23	179	765	23	200	791	25	234	876	27	267	867	31	289	855	34
Touro	104	501	21	129	513	25	142	498	29	138	553	25	119	601	20	142	500	24
Wisconsin	210	817	26	214	807	27	199	788	25	198	792	25	219	755	29	256	748	34

This group of law schools, depicted in Table 3, had from 2% to 12% growth in their programs between 2006 and 2011. These law schools had more consistent participation ratios than the first group mentioned. The biggest changes were for Golden Gate from 21% to 38% in 2007 and then from 38% to 50% in 2008; for Louisville, from 30% to 39% in 2010; for Maryland, from 25% to 34% in 2008; for Chapman, from 19% to 27% in 2007; for Illinois, from 32% to 40% in 2010; and for Michigan

ppp]
ships

Significant but Unheralded Growth of Extern-

from 38% to 25%. New England started at 32% in 2007 and declined consistently to 20% by 2010. For Drexel, participation dropped from 54% to 30% in 2009 and from 50% to 30% in 2011. Quinnipiac dropped from a high of 42% in 2007 to a low of 22% in 2011.

B. The 25% Participation Threshold

We have chosen the 25% participation level as the measurement of this Article's focus. The significance of this figure is that if a 25% level of participation exists, the majority of eligible second- and third-year students have an opportunity to participate in an externship. In other words, over a two-year period, more than half of the eligible students could be involved in an externship.

It is also helpful to consider what it means for a program if a law school reaches the 25% level. Take for example a law school like Washington and Lee, which reached the 25% level for the first time in 2010, rising from 15% participation in 2009. In terms of the number of students served, the program went from 59 students to 100 students in externships. It will be interesting to discover what additional resources were required to expand the program that much in one year. The answer differs theoretically, depending on which model the externship program most closely resembles.

For example, if the externship program follows a clinic-based approach, it is likely that the law school had to add two or three new classroom sections to accommodate the forty-one additional students and to provide on-site visits to each of the sites. With a program that increases by a jump of 67% of what was already in place, the program resources may need to expand by more than half of what was previously needed. Because the clinic-based model focuses more heavily on faculty involvement, it is likely that if three faculty members were needed earlier, then two additional faculty members would be required to grow this much in one year.

On the other hand, if the externship program is an apprenticeship-based model, it may be that the existing framework of faculty resources can expand to handle the additional forty-one students being added to the previous fifty-nine students. This is possible because the faculty role is not as crucial, and there is less emphasis placed on the classroom and on-site-visit aspects of the program. Classes offered can be expanded. If two faculty members handled the program previously for fifty-nine students, the same two faculty members would likely be sufficient for the expand-

ed number of students. The classroom sections would be larger in the same way that standard classes in traditional areas of the curriculum are permitted to expand. It is only in the clinic-based programs that the student-to-faculty ratio is expected to stay relatively low. In the apprenticeship-based programs, the emphasis is placed on the supervising attorneys and judges and their role in providing meaningful learning experiences for the students. It is no problem for a law school to find an additional forty-one supervising attorneys and judges to take students into their offices and to provide them with good, practical assignments and observation opportunities.

In the apprenticeship-based model, law schools may be relying more heavily on alternative means of providing students with opportunities to reflect on what they are learning through their externships in the form of weekly journals as a significant part of the externship program. The same two faculty members handling Washington & Lee's 59 previous students could take on additional journal-reading and journal-responding assignments to cover the 100 students enrolled in externships in 2010. In a similar manner, if the faculty are not trying to visit externship sites in person, but are using alternative means as permitted by the field placement accreditation standards, they can add these additional students without the need to expand the faculty assigned to run the externship program. The standards expressly require that a law school's resources dedicated to the externship program expand to adequately handle the supervisory responsibilities of the program. Eventually, additional growth will undoubtedly require Washington and Lee to add new faculty members to the team directing the program. But it is likely that the 67% expansion in going from 59 students to 100 students would not involve additional faculty.

Other characteristics of the clinic-based externship program model may impact the possibility of expanding this much in a single year. Because the clinic-based model generally limits the externship placements to be in the same geographic area of the law school, it may be hard for a law school in a rural area to increase the number of externship sites this dramatically in one year. Similarly, the general requirement in clinic-based externships limits the types of placements that will be approved. If a law school cannot include for-profit law firms as approved externship placements, this factor may also affect the expandability of the program in a single year.

It is useful to count the number of law schools reaching this 25% threshold in successive years as a means of emphasizing the significant but unheralded growth of externships from 2006 to 2011. In 2006, there

ppp]
ships

Significant but Unheralded Growth of Extern-

were 34 law schools reaching 25% or higher participation levels; in 2007, 44 law schools; in 2008, 47 law schools; in 2009, 52 law schools; in 2010, 60 law schools; and in 2011, 77 law schools.¹¹⁰ A total of 95 law schools reached this level at least once during those years. It is staggering to note that the number of law schools providing the majority of eligible second- and third-year law students with externship opportunities more than doubled, from 34 law schools in 2006 to 77 law schools in 2011. It can be expected, based on the trajectory and the survey responses of current externship directors, that this increase will continue at a similar rapid pace.

C. The National Jurist's Top 20 Law Schools Rankings

The National Jurist rankings appeared first in the October 2011 issue.¹¹¹ The originally published list was based on total enrollment. The editor adjusted these figures so that only full-time enrollment was counted because of the impact their former approach had on law schools with large numbers of part-time students. They recognized that part-time students cannot participate in externships as often as full-time students because most of them have full-time jobs. It is interesting to point out that seven of the top twenty law schools that they mention in one or both of its lists have not had high percentages through all of these six years. Arizona State was at 19% in 2006 rising to 47% in 2011. Cincinnati was at 24% in 2007, rising to 38% in 2011. Thomas Jefferson was at a low of 23% in 2008, rising to 54% in 2010, but falling back to 38% in 2011. Chapman was at 19% in 2006, rising to 33% in 2010. Maryland had 24% in 2006, rising to 32% in 2011. Valparaiso has fluctuated from a high of 38% in 2006 to a low of 29% in 2007 and rising to 36% in 2010. And Golden Gate was at 21% in 2006, rising to 50% in 2008 before falling off to 28% in 2010 and back up to 33% in 2011.

For some undetermined reason (because we are both using the same figures from the *Official Guides*), when we ran the numbers for this Article, we came up with a slightly different Top 20 list of law schools than *The National Jurist*.¹¹² Our list ends up dropping Valparaiso, Maryland,

110. In 2012, that number had grown to 104 law schools as shown in Table 13 below.

111. See sources cited *supra* note 25.

112. See *id.* Following is how *The National Jurist* listed its top 20 law schools:

(1) St. Thomas-Minn.

ppp]
ships*Significant but Unheralded Growth of Extern-*

TABLE 8: Our Rankings Using Same Data as <i>The National Jurist</i>							
Rank Oct. 2011	<i>Official Guide</i>	2011			2012		
	Year Data Collected	2009			2010		
	Law School	Field Placements	Enrollment full-time	Ratio Participation	Field Placements	Enrollment full-time	Ratio Participation
1	St. Thomas—Minn.	621	457	136%	609	475	128%
2	Northeastern	524	602	87.0%	483	629	76.8%
3	Utah	221	381	58.0%	278	402	69.2%
4	Brigham Young	195	447	43.6%	252	443	56.9%
5	Brooklyn	574	1278	44.9%	713	1293	55.1%
6	Thomas Jefferson	233	648	36.0%	368	687	53.6%
7	Santa Clara	233	749	31.1%	382	749	51.0%
8	Drexel	124	410	30.2%	222	440	50.5%
9	Michigan State	267	892	29.9%	352	804	43.8%
10	Denver	365	786	46.4%	324	768	42.2%
11	Arizona State	234	576	40.6%	248	614	40.4%
12	Ind., Bloomington	217	620	32.3%	258	646	40.2%
13	Illinois	199	617	35.0%	257	640	39.9%
14	Louisville	110	368	29.9%	148	379	39.1%
15	Appalachian	127	334	33.3%	112	313	36.4%
16	Southwestern	269	729	36.9%	267	741	36.0%
16	Nevada—Las Vegas	134	366	36.6%	125	347	36.0%
18	Colorado	182	547	26.5%	199	546	35.9%
19	Catholic	152	574	38.0%	202	562	35.8%
20	Cincinnati	135	391	34.5%	143	408	35.0%

TABLE 9: Top Law Schools Providing Externships in 2010 and 2011

BYU Journal of Public Law

[Vol. 28]

<i>Official Guide</i>		2012	<i>Official Guide</i>		2013
Year Data Collected		2010	Year Data Collected		2011
Rank	School		Rank	School	
1	St. Thomas—Minn.	128%	1	St. Thomas—Minn.	132.4%
2	Northeastern	77%	2	Utah	82.9%
3	Utah	69%	3	Northeastern	82.0%
4	Brigham Young	57%	4	Brooklyn	57.1%
5	Brooklyn	55%	5	Brigham Young	57.0%
6	Thomas Jefferson	54%	6	La Verne	56.4%
7	Santa Clara	51%	7	Santa Clara	51.8%
8	Drexel	50%	8	Denver	51.6%
9	Michigan State	44%	9	Arizona State	46.8%
10	Denver	42%	10	Michigan State	45.8%
11	Arizona State	40%	11	Nevada—Las Vegas	43.8%
12	Ind., Bloomington	40%	12	Tulsa	43.5%
13	Illinois	40%	13	Southwestern	40.9%
14	Louisville	39%	14	Campbell	40.8%
15	Appalachian	36%	15	Ind., Bloomington	40.3%
16	Southwestern	36%	16	Hawaii	39.5%
17	Nevada—Las Vegas	36%	17	Colorado	39.4%
18	Colorado	36%	18	Louisville	39.1%
19	Catholic	36%	19	Cincinnati	38.4%
20	Cincinnati	35%	20	Houston	38.2%

ppp]
ships

Significant but Unheralded Growth of Extern-

VII. Consideration of Externship Models Adopted by the
Thirty Law Schools with the Highest Participation
Percentages

Another way of highlighting the significance of the model chosen by a specific law school—as between a clinic-based model or an apprenticeship-based model—is to look at the twenty-one law schools that have reached the 25% threshold participation level in all six of the years from 2006 to 2011. They are Appalachian, Brigham Young, Brooklyn, Colorado, Denver, Drexel,¹¹³ Emory, Illinois, Indiana–Bloomington, Louisville, Marquette, Michigan State, Nevada–Las Vegas, Northeastern, Santa Clara, Southwestern, St. Thomas–Minnesota, Utah, Valparaiso, University of Washington, and Wisconsin. There were another nine law schools—Arizona State, Chapman, Cincinnati, New England, Quinnipiac, St. John’s, Temple, Toledo, and Vermont—that made it to the 25% level in all but one of the years. These two groups combined form the top thirty law schools with the highest and most consistent participation percentages.

According to our expectations and as one characteristic of apprenticeship-based programs, most of these schools have probably developed their externship programs when their law schools had relatively small numbers of their students involved in in-house clinics. In fact, the annual *Official Guide* for 2008 illustrates this prediction. It is not surprising that the law schools with the highest percentage of students participating in externships are schools that have had fewer in-house-clinic offerings than externships for the last several years. Of the thirty schools, twenty-eight of them had more externships than in-house clinic enrollments in the 2006 academic year.¹¹⁴ It may be expected that the number of law schools consistently reaching these higher percentages of student participation in externships will continue to rise, based on the fact that the number of law schools with more externship enrollments than in-house

113. Drexel has reached the 25% threshold participation level ever since it first began reporting data to the ABA in 2008.

114. They were Appalachian, Arizona State, Brigham Young, Brooklyn, Catholic, Chapman, Cincinnati, Colorado, Denver, Emory, Golden Gate, Illinois, Indiana–Bloomington, Louisville, Marquette, Michigan State, Nevada–Las Vegas, New England, Northeastern, Santa Clara, St. John’s, St. Thomas–Minneapolis, Southwestern, Temple, Thomas Jefferson, Toledo, Utah, and University of Washington.

clinic enrollments continues to increase.¹¹⁵

VIII. Conclusion

The 95 law schools included in this Article represent a real cross-section of the 201 ABA-approved law schools. Based on the rankings in the *U.S. News and World Report*,¹¹⁶ there are in this group equally as many first- and second-tier law schools (47 total) as there are third- and fourth-tier law schools (47 total).¹¹⁷ There are slightly more first-tier law schools (22)¹¹⁸ than fourth-tier law schools (20).¹¹⁹ And there are slightly more third-tier law schools (27)¹²⁰ than second-tier law schools (25).¹²¹ Among the 95 law schools, 37 are small law schools with full-time student enrollment below 500; 29 are mid-sized law schools with full-time enrollment between 500 and 699 students; 22 are large law schools with full-time enrollment between 700 and 999; and 7 are super-sized law schools with more than 1000 full-time students.

115. As shown in Part IX Epilogue, this prediction is borne out in the continued, significant growth of externship programs as shown in the *2014 Official Guide*.

116. See 2013 Best Law Schools, U.S. News & World Rep., <http://grad-schools.usnews.rankingsandreviews.com/best-graduate-schools/top-law-schools/law-rankings> (last visited Feb. 8, 2013).

117. *U.S. News* ranked 94 of the 95 law schools we have identified in this Article. The University of St. Thomas–Minneapolis was unranked.

118. First-tier law schools include any school that is ranked 1 to 50 in the 2013 U.S. News Best Law Schools rankings (ranked in 2012). Following are the twenty-two schools: American, Arizona, Arizona State, Brigham Young, California–Berkeley, Colorado, Emory, Florida, Fordham, George Washington, Georgia, Illinois, Indiana–Bloomington, Maryland, Northwestern, Pepperdine, Utah, Vanderbilt, University of Washington, Washington and Lee, William and Mary, and Wisconsin.

119. Fourth-tier law schools include any school that is ranked but whose rank U.S. News does not publish. Following are the twenty schools: Appalachian, Ave Maria, California Western, Campbell, Capital, Dayton, Detroit Mercy, Golden Gate, La Verne, Liberty, Mississippi College, New England, North Carolina Central, Ohio Northern, Southern Illinois, St. Thomas–Miami, Thomas Jefferson, Touro, Valparaiso, and Whittier.

120. Third-tier law schools include any school that is ranked 101 to 145 in the 2013 U.S. News Best Law Schools rankings. Following are the twenty-seven schools: Baltimore, Chapman, Drake, Drexel, Florida International, Gonzaga, Hawaii, Idaho, John Marshall, Mercer, Missouri–Kansas City, Montana, New Hampshire, New York Law School, Pace, Pacific (McGeorge), Quinnipiac, San Francisco, Southwestern, Stetson, Toledo, Vermont, Villanova, Washburn, Wayne State, and Wyoming.

121. Second-tier law schools include any school that is ranked 51 to 100 in the 2013 U.S. News Best Law Schools rankings. Following are the twenty-five schools: Baylor, Brooklyn, Catholic, Chicago-Kent, Cincinnati, Connecticut, Denver, DePaul, Georgia State, Houston, Kansas, Louisville, Marquette, Michigan State, Nevada–Las Vegas, Northeastern, Pennsylvania State, Pittsburgh, San Diego, Santa Clara, St. John's, SUNY Buffalo, Temple, Tulsa, and Yeshiva (Cardozo).

ppp]
ships*Significant but Unheralded Growth of Externships*

In this group of 95 law schools, there are 40 law schools from the East,¹²² 29 law schools from Midwest states,¹²³ and 26 law schools from the West (beginning with Colorado).¹²⁴ This underscores the assumption that a major difference between law schools that have reached 25% annual participation of their eligible students in externships and those that have not is that many of these law schools have followed an apprenticeship-based model rather than a clinic-based model for their externship programs. This factor—schools adopting an apprenticeship-based model—serves well to explain these statistics, whereas the rankings in the *U.S. News and World Report*, the size of the law school, and the geographical location do not. Thus, this data significantly indicates that the apprenticeship-based model is one of the primary factors that has indeed ushered in the significant but unheralded growth of externships. Through this disruptive innovation, many more students have had the opportunity to gain practical legal skills. Let the heralding begin.

TABLE 10: Top Law Schools Providing Externships and Their U.S. News Rankings in 2011–12

Official Guide Edition			2013		
Year Data Collected			2011		
Externship Program Rank 2012	U.S. News & World Report Rank Mar. 2012	Law School	Field Placements	Enrollment full-time	Ratio Participation
1	Unranked	St. Thomas–Minnesota	637	481	132.4%
2	47	Utah	330	398	82.9%

122. The forty law schools from the East hail from the following states: Connecticut, District of Columbia, Florida, Georgia, Maryland, Massachusetts, New Hampshire, New York, North Carolina, Pennsylvania, Vermont, and Virginia.

123. The twenty-nine law schools from the Midwest are in the following states: Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Mississippi, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin.

124. The twenty-six law schools from the West are in the following states: Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, Utah, Washington, and Wyoming.

BYU Journal of Public Law

[Vol. 28]

3	76	Northeastern	538	656	82.0%
4	65	Brooklyn	688	1204	57.1%
5	39	Brigham Young	245	430	57.0%
6	4th Tier	La Verne	102	181	56.4%
7	96	Santa Clara	382	738	51.8%
8	69	Denver	397	769	51.6%
9	26	Arizona State	282	602	46.8%
10	82	Michigan State	328	716	45.8%
11	76	Nevada—Las Vegas	142	324	43.8%
12	99	Tulsa	140	322	43.5%
13	129	Southwestern	302	738	40.9%
14	4th Tier	Campbell	194	475	40.8%
15	26	Indiana—Bloomington	279	692	40.3%
16	106	Hawaii	109	276	39.5%
17	44	Colorado	213	540	39.4%
18	89	Louisville	142	363	39.1%
19	69	Cincinnati	157	409	38.4%
20	57	Houston	258	676	38.17%
21	4th Tier	Capital	174	456	38.16%
22	4th Tier	Thomas Jefferson	285	759	37.5%
23	4th Tier	Appalachian	124	332	37.3%
24	82	Catholic	186	506	36.8%
25	35	Illinois	233	639	36.5%
26	58	Temple	257	722	35.6%
27	101	Pacific (McGeorge)	231	653	35.4%
28	96	Marquette	204	586	34.8%
29	12	Northwestern	272	801	34.0%
30	35	Wisconsin—Madison	256	755	33.9%
31	119	Stetson	289	855	33.8%
32	142	New Hampshire	132	392	33.7%
33	4th Tier	Golden Gate	190	568	33.5%
34	142	Pace	214	644	33.2%
34	119	Vermont	188	566	33.2%
34	24	Emory	269	810	33.2%

ppp]
ships*Significant but Unheralded Growth of Extern-*

37	65	San Diego	278	840	33.1%
38	58	Georgia State	149	466	32.0%
39	39	Maryland	234	735	31.8%
39	106	Drake	138	434	31.8%
41	4th Tier	Valparaiso	170	541	31.4%
42	20	University of Washington	169	545	31.0%
43	119	Drexel	136	450	30.2%
44	89	Kansas	138	463	29.8%
45	51	Baylor	129	435	29.7%
46	89	DePaul	244	828	29.5%
47	4th Tier	Liberty	84	286	29.4%
48	69	Pittsburgh	205	701	29.2%
48	101	Villanova	212	725	29.2%
50	145	Montana	73	252	29.0%
51	48	Florida	281	976	28.8%
52	113	Albany	192	670	28.7%
53	4th Tier	New England	233	815	28.6%
54	49	Pepperdine	179	629	28.5%
55	4th Tier	Southern Illinois	105	373	28.2%
56	4th Tier	Whittier	158	564	28.0%
57	110	Chapman	141	506	27.9%
58	4th Tier	Mississippi College	154	555	27.7%
58	4th Tier	Dayton	135	488	27.7%
60	113	Gonzaga	139	506	27.5%
61	129	Washburn	113	413	27.4%
62	62	Chicago-Kent	205	755	27.2%
63	127	Wyoming	61	226	27.0%
64	4th Tier	California Western	183	681	26.9%
65	35	William and Mary	169	637	26.5%
66	4th Tier	Ohio Northern	82	311	26.4%
67	129	John Marshall	315	1200	26.3%
68	82	SUNY Buffalo	166	637	26.1%
69	135	Missouri-Kansas City	113	438	25.8%

69	135	New York Law School	352	1365	25.8%
71	56	Yeshiva	267	1038	25.7%
72	43	Arizona	112	440	25.5%
73	113	Florida International	93	369	25.2%
73	49	American	312	1239	25.2%
75	16	Vanderbilt ¹²⁵	146	586	24.9%
76	24	Washington and Lee	98	395	24.8%
77	129	Idaho	88	358	24.6%

IX. Epilogue

During the time this article was being finalized by the editors of the *BYU Journal of Public Law*, the *2014 Official Guide* became available online. The following two tables are updates showing continued growth in externship programs. Increased numbers of law schools have now reached the 25% participation threshold—from 77 in the *2013 Official Guide* to 104 law schools. Obviously, the significant growth of externships is continuing. It is interesting to note that this *2014 Official Guide* is the first one to be based on the new set of questions designed to overcome ambiguities in prior reporting and to thereby make the externship data more consistent among law schools.¹²⁶

Table 12 provides a new list of the top 20 law-school externship programs based on percentage of student participation. Eight new schools are now on the list: Illinois, Quinnipiac, New Hampshire, Idaho, Vermont, Thomas Jefferson, Southern Illinois, and Catholic. They replace the law schools that have fallen out of the top 20 based on the *2014 Official Guide*: La Verne, Santa Clara, Michigan State, Nevada-Las Vegas, Campbell, Colorado, Cincinnati, and Houston.

Table 13 shows an increase to twelve law schools reaching above 50% student participation in externships (compared to eight law schools above 50% in Table 11 based on data from the *2013 Official Guide*). New law schools above 50% participation are Arizona State, Hawaii, Illinois, Louisville, Southwestern, and Tulsa. La Verne and Santa Clara are no longer in this group. The number of law schools above 25% participa-

125. We have included Vanderbilt, Washington and Lee, and Idaho because they have reached 25% when we round up their percentages.

126. *See supra* Part IV.

ppp]
ships*Significant but Unheralded Growth of Extern-*

tion has grown from 77 law schools in the 2013 *Official Guide* to 104 law schools in the 2014 *Official Guide*.¹²⁷

<i>Official Guide</i>		2013	<i>Official Guide</i>		2014
Year Data Collected		2011	Year Data Collected		2012
Rank	Law School		Rank	Law School	
1	St. Thomas–Minn.	132.4%	1	St. Thomas–Minn.	160.0%
2	Utah	82.9%	2	Northeastern	147.5%
3	Northeastern	82.0%	3	Utah	89.5%
4	Brooklyn	57.1%	4	Brooklyn	86.6%
5	Brigham Young	57.0%	5	Brigham Young	76.7%
6	La Verne	56.4%	6	Tulsa	60.3%
7	Santa Clara	51.8%	7	Louisville	58.1%
8	Denver	51.6%	8	Denver	57.5%
9	Arizona State	46.8%	9	Illinois	55.0%
10	Michigan State	45.8%	10	Southwestern	54.3%
11	Nevada—Las Vegas	43.8%	11	Arizona State	51.1%
12	Tulsa	43.5%	12	Hawaii	50.2%
13	Southwestern	40.9%	13	Quinnipiac	48.5%
14	Campbell	40.8%	14	New Hampshire	48.4%
15	Ind., Bloomington	40.3%	15	Idaho	47.9%
16	Hawaii	39.5%	16	Ind., Bloomington	47.1%
17	Colorado	39.4%	17	Vermont	46.9%
18	Louisville	39.1%	18	Thomas Jefferson	46.0%

127. We note that Marquette and Temple are somehow listed with 0% externship participation in the 2014 *Official Guide*. Because these two law schools were included in Part VII discussing the thirty law schools with the highest levels of student participation in externships, we believe some clerical error is involved in the Online reports from the 2014 *Official Guide* for these two law schools. It is also noteworthy that Table 13 lists several law schools that were not included in Part VII (American, Campbell, Capital, Catholic, DePaul, Hawaii, Idaho, John Marshall-Atlanta, La Verne, Maryland, New Hampshire, Southern Illinois, Thomas Jefferson, and Tulsa) among the top 30 law schools based on ratio of student participation.

BYU Journal of Public Law

[Vol. 28

19	Cincinnati	38.4%	19	Southern Illinois	44.6%
20	Houston	38.2%	20	Catholic	44.4%

ppp]
ships*Significant but Unheralded Growth of Extern-*

TABLE 13: Top Law Schools Providing Externships and Their U.S. News Rankings in 2012–13					
Official Guide Edition			2014		
Year Data Collected			2012		
Externship Program Rank 2013	U.S. News & World Report Rank Mar. 2013	Law School	Field Placements	Enrollment full-time	Ratio Participation
1	4th Tier	St. Thomas–Minn.	712	445	160.0%
2	86	Northeastern	891	604	147.5%
3	41	Utah	341	381	89.5%
4	80	Brooklyn	864	998	86.6%
5	44	Brigham Young	322	420	76.7%
6	86	Tulsa	181	300	60.3%
7	68	Louisville	211	363	58.1%
8	64	Denver	429	746	57.5%
9	47	Illinois	345	627	55.0%
10	4th Tier	Southwestern	375	691	54.3%
11	29	Arizona State	295	577	51.1%
12	80	Hawaii	131	261	50.2%
13	134	Quinnipiac	159	328	48.5%
14	119	New Hampshire	147	304	48.4%
15	134	Idaho	163	340	47.9%
16	25	Indiana–Bloomington	313	665	47.1%
17	119	Vermont	240	512	46.9%
18	4th Tier	Thomas Jefferson	332	722	46.0%
19	140	Southern Illinois	154	345	44.6%
20	80	Catholic	178	401	44.4%
21	126	Drexel	177	411	43.1%

BYU Journal of Public Law

[Vol. 28]

22	80	Michigan State	329	765	43.0%
23	4th Tier	Capital	172	401	42.9%
24	4th Tier	Atlanta's John Marshall	203	480	42.3%
25	56	American	510	1215	42.0%
26	Unranked	La Verne	51	122	41.8%
27	126	Campbell	187	453	41.3%
28	96	Santa Clara	285	693	41.1%
29	109	DePaul	298	742	40.2%
30	41	Maryland	283	711	39.8%
31	124	Pacific (McGeorge)	236	594	39.7%
32	4th Tier	Golden Gate	215	543	39.6%
33	41	George Mason	174	442	39.4%
33	76	Louisiana State	250	634	39.4%
35	64	Seton Hall	235	604	38.9%
36	33	Wisconsin	266	690	38.6%
37	68	San Diego	296	768	38.5%
38	113	Gonzaga	176	460	38.3%
38	86	Kansas	169	441	38.3%
40	134	Pace	216	565	38.2%
41	Unranked	Dayton	154	407	37.8%
41	134	William Mitchell	236	624	37.8%
43	54	Baylor	146	401	36.4%
44	68	Chicago-Kent	268	738	36.3%
45	23	Emory	294	813	36.2%
46	4th Tier	Appalachian	95	265	35.8%
47	Unranked	Pontifical Catholic	197	555	35.5%
48	4th Tier	New York	385	1092	35.3%
49	98	Indiana McKinney	213	606	35.1%
49	12	Northwestern	285	811	35.1%
51	48	Houston	220	632	34.8%
52	58	Connecticut	153	447	34.2%

ppp]
ships*Significant but Unheralded Growth of Extern-*

53	102	Seattle	258	762	33.9%
54	4th Tier	Toledo	104	309	33.7%
55	33	William & Mary	208	618	33.7%
56	61	Pepperdine	207	618	33.5%
57	68	Nevada	105	315	33.3%
58	44	Colorado	169	509	33.2%
59	91	Rutgers-Camden	184	562	32.7%
60	109	Stetson	252	778	32.4%
61	129	Chapman	154	480	32.1%
62	4th Tier	Whittier	164	514	31.9%
63	4th Tier	Valparaiso	155	488	31.8%
64	98	Villanova	216	684	31.6%
65	4th Tier	Liberty	81	258	31.4%
66	102	Mississippi	163	520	31.3%
67	46	Florida	298	960	31.0%
68	105	Mercer	134	433	30.9%
69	21	Washington University	415	1351	30.7%
70	109	Drake	123	403	30.5%
71	4th Tier	Mississippi College	158	520	30.4%
72	58	Yeshiva	309	1032	29.9%
73	54	Georgia State	132	446	29.6%
73	4th Tier	New England	247	835	29.6%
75	4th Tier	St. Thomas University	200	678	29.5%
76	94	Oregon	140	480	29.2%
77	4th Tier	Thomas M. Cooley	175	604	29.0%
78	4th Tier	Ohio Northern	79	274	28.8%
78	98	St. John's	214	742	28.8%
80	4th Tier	Elon	94	327	28.7%
80	144	Memphis	103	359	28.7%
82	28	University of Washington	159	557	28.5%

BYU Journal of Public Law

[Vol. 28]

83	113	Montana	70	247	28.3%
84	140	Washburn University	109	385	28.3%
85	26	Washington and Lee	129	457	28.2%
85	4th Tier	John Marshall	320	1138	28.1%
87	19	George Washington	215	768	28.0%
87	14	Georgetown	471	1683	28.0%
89	4th Tier	Phoenix	208	745	27.9%
90	119	Akron	83	299	27.8%
90	38	Fordham	335	1206	27.8%
92	68	Arkansas	106	391	27.1%
93	68	Oklahoma	135	505	26.7%
94	119	Cleveland State	99	375	26.4%
95	33	Georgia	174	663	26.2%
96	15	Vanderbilt	151	580	26.0%
97	68	Loyola	262	1011	25.9%
98	76	Missouri—Kansas City	112	434	25.8%
99	76	Miami	329	1282	25.7%
100	132	Albany	145	567	25.6%
101	134	Maine	67	266	25.2%
102	64	Pennsylvania State	136	541	25.1%
103	4th Tier	Touro ¹²⁸	131	531	24.7%
104	113	Wyoming	56	229	24.5%

128. We have included Touro and Wyoming because they have reached 25% when we round up their percentages.

James H. Backman, *Where Do Externships Fit? A New Paradigm Is Needed: Marshaling Law School Resources to Provide an Externship for Every Student*, 56 *J. Legal Educ.* 615 (2006) [hereinafter Backman, *A New Paradigm*].

James H. Backman, *Practical Examples for Establishing an Externship Program Available to Every Student*, 14 *Clinical L. Rev.* 1 (2007) [hereinafter Backman, *Practical Examples*];

James H. Backman, *Law School Externships: Reevaluating Compensation Policies to Permit Paid Externships*, 17 *Clinical L. Rev.* 21 (2010) [hereinafter Backman, *Compensation Policies*];

This Article tracks statistics beginning with the 2008 edition through the 2013 edition. E.g., Am. Bar Ass'n & Law Sch. Admission Council, *ABA-LSAC Official Guide to ABA-Approved Law Schools* (2014 ed. 2013).

The statistics tell the story well. In 2004, only twenty-two schools with externship programs reached or were potentially available to 35% of their eligible second- and third-year students to earn externship credit in a single year. In 2007, fifty-five schools potentially reached 35% of their eligible students. In the years since, many other law schools have made the list. This Article identifies ninety-five law schools that have reached at least 25% of their full-time students (this measure includes first-year students even though they are not eligible to participate in externships for credit until after their first year of law school) earning externship credits in a single year.

In 2006, there were 34 law schools reaching 25% or higher participation levels; in 2007, 44 law schools; in 2008, 47 law schools; in 2009, 52 law schools; in 2010, 60 law schools; and in 2011, 77 law schools. A total of 95 law schools reached this level at least once during those years. It is staggering to note that the number of law schools providing the majority of eligible second- and third-year law students with externship opportunities more than doubled, from 34 law schools in 2006 to 77 law schools in 2011.

During the time this article was being finalized by the editors of the *BYU Journal of Public Law*, the 2014 Official Guide became available online. The following two tables are updates showing continued growth in externship programs. Increased numbers of law schools have now reached the 25% participation threshold—from 77 in the 2013 Official Guide to 104 law schools.

For simulations and clinical positions, the wording has been “number of simulation positions filled” and “number of faculty-supervised clinical positions filled.” In contrast, externships have been reported as the “number involved in field placements.”

The Questionnaire Committee has approved the following revised questions on the topic, which are to appear in the 2012 AQ [Annual Questionnaire]:

12.e. (i) Number of faculty supervised clinical course titles

(ii) Number of positions available in faculty supervised clinical courses

(iii) Number of positions filled in faculty supervised clinical courses

f. Number of field placement positions filled

all broken down by full-time and part-time program

These replace these questions from the current AQ [Annual Questionnaire]:

12.i. (i) Number of positions available in faculty supervised clinical courses

(ii) Number of students in faculty supervised clinical courses

j. Number of students involved in field placements.

These kinds of increases directly impact the number of students in traditional classrooms based on the case method and the Socratic dialogue. The fact that 86% overall growth in externships has occurred from 2003 to 2011 is mirrored by lower enrollments in standard 2L and 3L classes. Faculty and administrators undoubtedly welcome the change, as each faculty member in these regular classes has a reduced load of student papers and examinations to read at the end of each semester. It also means that the number of students participating in seminars that have traditionally been in smaller classroom settings than the large case-and-problem-based courses is correspondingly reduced as well. Faculty can give more attention to the students involved in these smaller class settings.

We chose 25% student participation in a single academic year as the benchmark, because at least half of the school's eligible second- and third-year students would have the opportunity to participate in an externship before graduating from that law school.

The significance of this figure is that if a 25% level of participation exists, the majority of eligible second- and third-year students have an opportunity to participate in an externship. In other words, over a two-year period, more than half of the eligible students could be involved in an externship.

. It is interesting to point out that seven of the top twenty law schools that they mention in one or both of its lists have not had high percentages through all of these six years. Arizona State was at 19% in 2006 rising to 47% in 2011. Cincinnati was at 24% in 2007, rising to 38% in 2011. Thomas Jefferson was at a low of 23% in 2008, rising to 54% in 2010, but falling back to 38% in 2011. Chapman was at 19% in 2006, rising to 33% in 2010. Maryland had 24% in 2006, rising to 32% in 2011. Valparaiso has fluctuated from a high of 38% in 2006 to a low of 29% in 2007 and rising to 36% in 2010. And Golden Gate was at 21% in 2006, rising to 50% in 2008 before falling off to 28% in 2010 and back up to 33% in 2011.

Our list ends up dropping Valparaiso, Maryland, and Golden Gate from the list used in The National Jurist rankings and adding Michigan State, Louisville, and Catholic. Michigan State achieved 44% (up from 30% in 2009) and is in the 9th position in the rankings for 2010. Louisville is number 14 at 39% in 2010, up from 30% in 2009. Catholic is 19th in our rankings list with 36% in 2010, up from 26% in 2009.

the twenty-one law schools that have reached the 25% threshold participation level in all six of the years from 2006 to 2011. They are Appalachian, Brigham Young, Brooklyn, Colorado, Denver, Drexel, Emory, Illinois, Indiana–Bloomington, Louisville, Marquette, Michigan State, Nevada–Las Vegas, Northeastern, Santa Clara, Southwestern, St. Thomas–Minnesota, Utah, Valparaiso, University of Washington, and Wisconsin. There were another nine law schools—Arizona State, Chapman, Cincinnati, New England, Quinnipiac, St. John’s, Temple, Toledo, and Vermont—that made it to the 25% level in all but one of the years. These two groups combined form the top thirty law schools with the highest and most consistent participation percentages.

The 95 law schools included in this Article represent a real cross section of the 201 ABA-approved law schools. Based on the rankings in the U.S. News and World Report, there are in this group equally as many first- and second-tier law schools (47 total) as there are third- and fourth-tier law schools (47 total). There are slightly more first-tier law schools (22) than fourth-tier law schools (20). And there are slightly more third-tier law schools (27) than second-tier law schools (25). Among the 95 law schools, 37 are small law schools with full-time student enrollment below 500; 29 are mid-sized law schools with full-time enrollment between 500 and 699 students; 22 are large law schools with full-time enrollment between 700 and 999; and 7 are super-sized law schools with more than 1000 full-time students.

First-tier law schools include any school that is ranked 1 to 50 in the 2013 U.S. News Best Law Schools rankings (ranked in 2012). Following are the twenty-two schools: American, Arizona, Arizona State, Brigham Young, California–Berkeley, Colorado, Emory, Florida, Fordham, George Washington, Georgia, Illinois, Indiana–Bloomington, Maryland, Northwestern, Pepperdine, Utah, Vanderbilt, University of Washington, Washington and Lee, William and Mary, and Wisconsin.

Second-tier law schools include any school that is ranked 51 to 100 in the 2013 U.S. News Best Law Schools rankings. Following are the twenty-five schools: Baylor, Brooklyn, Catho-lic, Chicago-Kent, Cincinnati, Connecticut, Denver, DePaul, Georgia State, Houston, Kansas, Louisville, Marquette, Michigan State, Nevada–Las Vegas, Northeastern, Pennsylvania State, Pittsburgh, San Diego, Santa Clara, St. John’s, SUNY Buffalo, Temple, Tulsa, and Yeshiva (Cardozo).

Table 12 provides a new list of the top 20 law-school externship programs based on percentage of student participation. Eight new schools are now on the list: Illinois, Quinnipiac, New Hampshire, Idaho, Vermont, Thomas Jefferson, Southern Illinois, and Catholic. They replace the law schools that have fallen out of the top 20 based on the 2014 Official Guide: La Verne, Santa Clara, Michigan State, Nevada-Las Vegas, Campbell, Colorado, Cincinnati, and Houston.

Table 13 shows an increase to twelve law schools reaching above 50% student participation in externships (compared to eight law schools above 50% in Table 11 based on data from the 2013 Official Guide). New law schools above 50% participation are Arizona State, Hawaii, Illinois, Louisville, Southwestern, and Tulsa. La Verne and Santa Clara are no longer in this group.

It is also noteworthy that Table 13 lists several law schools that were not included in Part VII (American, Campbell, Capital, Catholic, DePaul, Hawaii, Idaho, John Marshall-Atlanta, La Verne, Maryland, New Hampshire, Southern Illinois, Thomas Jefferson, and Tulsa) among the top 30 law schools based on ratio of student participation.