DU’s Legal Externship Program

What you need to know before getting started!

Ann Vessels, Director, Legal Externship Program
Lindsey Webb, Director of Public Interest
Associate Dean Fred Cheeever

- Associate Dean of Academic Affairs
- Professor
  - Environmental and Natural Resources Law
  - Property Law
Expectations of a Mentor

David Steinman – Concord Energy
General Counsel and Private Firm
Externship Seminar Instructor

Brad Buchanan – Buckley Air Force Base
Judge Advocate General’s Office
The Private Firm’s Top 5

David Steinman, General Counsel, Concord Energy, LLC

1. Treat admins and office personnel as if they are the senior partner.
2. Meet all deadlines – no excuses.
3. Do Perfect Work – even the most basic memo should be drafted as if it is going to the Supreme Court.
4. Be proactive - meet everyone at the firm, ask for the work you want, take control of your career.
5. Do the right thing (ethics) – it’s a marathon not a sprint; impressions you make early will last your entire career.
Legal Research Techniques

Stacey Bowers
- Outreach and Access Services Librarian
- Adjunct Faculty
LEARNING AGENDA MEMO WORKSHEET
University of Denver
Sturm College of Law
Pioneer Legal Internship Program
Phone: 303-871-6426  Fax: 303-871-6161

Student: Caitlin R. May
Agency: EPA Office of Criminal Enforcement
Supervisor: Chuck Aschwanden

You will use this plan in developing the Learning Agenda/Goals Memo for your internship. Use this plan to make note of activities that you would like to gain experience on while in your internship. This form is due within the first two weeks of your internship.

1. Research and Writing Activities (indicate the area of law and type of writing, i.e. memo, brief, opinion) Throughout my internship, I'd like a lot of exposure to writing. Memos detailing complex and novel legal issues in any area handled by the office— if I had the chance to write a brief, that would be incredible!

2. Observation (indicate particular activity to be observed and what the opportunities for discussion of observation will be)
   - Negotiation
   - Trial motions, etc.
   - Data collection/interpretation

3. Attendance at Training Sessions or Seminars
   Ideally I'd like to attend seminars covering in-depth areas of the law that will give me a more detailed understanding of general concepts I know and don't know particularly under major environmental laws.

4. Client Contact Activities (i.e., interviewing, counseling, witness preparation)
   Any opportunity available depends on summer trial schedule
5. Participation in Negotiation

Same as above- I’d love to participate in any negotiation that occurs during my clerkship.

6. Pre-Trial (i.e., planning, preparation, discovery)

Particularly on the Grace case and any mining cases.

7. Courtroom Experience (Include Administrative Hearings - indicate type of experience, i.e., bail hearings, trial, etc., and number of such)

Any and all possible- again, this will depend on the office’s summer trial schedule.

8. Other Experience

In particular, I’d like to work on Grace and any mining cases the office is handling. I haven’t had much criminal litigation experience and hope to learn the ins and outs of criminal enviro

Signature of Mentor (received) ___________________________ 
Date 6/12/08

Signature of Supervisor, if supervisor is not the mentor ___________________________ 
Date ___________________________

Signature of Student ___________________________ 
Date 6/12/08

Return to: University of Denver, College of Law, 2255 E. Evans Ave, Room 365 BB
Denver, Colorado 80208 or Fax: (303) 871-6161
Professional Responsibility

Lindsey Webb—

– Director of Public Interest
– Externship Faculty
Professional Responsibility

- Knowing and understanding the rules of the road for your externship experience
I always want to do the right thing, but so often it interferes with my legal practice.
Preparing for your Externship

- Read the Rules
- Colorado Rules of Professional Conduct
- Special attention to-
  - 1.6 Confidential Information
  - 1.7 Conflict of Interest
  - 5.1/5.3 Responsibilities of Supervisors/Non-lawyer assistants
Law Students and Professional Conduct

Adverse actions for ethics violations taken against lawyers, three outcomes

– Disbarment
– Suspension
– Reprimand

If not a member of the bar then no risk to externs… Right?
Law Students and Professional Conduct

- Answer: Not really…
- Law student’s bar admission could be jeopardized
- Under 5.1/5.3 your supervisor may be subject to discipline for your violation
Ethical Duties in the Workplace

Situations could arise where the student may need to:

- Turn down an assignment because of professional/moral responsibility
- Question a supervisor’s judgment
- Consult another lawyer
- Blow the whistle
- Resign

Thankfully unlikely, but worth thinking about
Ethical Duties in the Workplace

8.3 Duty to Report Misconduct

- “A lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer’s honesty, trustworthiness or fitness as a lawyer in other respects, shall inform the appropriate professional authority.”

- Externs not obliged to report, but lawyers are.
Ethical Duties in the Workplace

Potential hornet’s nest of troubling issues

Responding puts student’s interests at risk

Options for assistance
  – Consult another attorney
  – Consult faculty

(Consider consulting w/in A/C Privilege)
Restrictions on Law Practice

General rule- Only lawyers practice law

Practice of law=
  - Representation of clients in court cases, admin proceedings, transactions
  - Drafting legal documents
  - Giving oral/written advice to clients

Exceptions
  - Students licensed under SPA
  - Externs working under supervision of licensed attorney
Liability

Lawyers and non-lawyers bound by statutory, regulatory, and common law

Subject to responsibility for acts even if done at supervisor’s direction

Ex. Supervisor directs you to sign managing partner’s signature to check in his absence. What do you do?
Confidentiality

By participating in externship students agree:

– Not to reveal information designated as confidential by supervising attorney
– Not to reveal information relating to representation of a client
– Not to reveal the identity of a client or case without express authorization from supervising attorney
Confidentiality

What about in-class discussions for externship class?

- Hypotheticals permissible (Per comment 4 to rule 1.6 on Confidentiality)
- Carefully consider if even tangential information could give away confidences
- Consider the nature of your position and the duties it imposes (private firm, governmental organization, in-house counsel, non-profit)
Wrap Up

- The foregoing is just an introduction, more detail will follow in the externship class.
- Begin reading the rules and thinking about situations that could come up in your externship.
- Be prepared to discuss the rules of the road with your supervisor as a part of your introduction to the workplace.
Externship Checklist

- Orientation
- **Course Requirements** – This is your syllabus. You are responsible for meeting the deadlines.
- **Register** for credit on MyWeb. (Change any credits by last day of Drop/Add period – January 27.)
- **Submit Conflict Notification Forms** (if applicable).
- **Submit Certificate of Eligibility** (for the Student Practice Act).
- **Learning Agenda** – 2 weeks after start of externship or by January 27, whichever is earlier.
- **Externship Conference** – Schedule by February 5 on TWEN.
- **Mid-Semester Report** – March 1, 2010.
Externship Checklist (con’t)

- **Weekly Timesheet**
- **Journals** – You will learn of the requirements for this from your Instructor.
- **Weekly Externship Class (7 classes)**
- **Mentor’s Final Evaluation of Student Extern** – Due May 3
- **Externship Class Evaluation** – Due May 3
- **Externship Evaluation** – Due May 3
Two Key Requirements

- Keep copies of everything!
- Must spend a minimum of 10 weeks at your externship; can complete hours in up to 16 weeks.
Reflective journaling is an important part of the externship; gives you a chance to stop and think about what you are doing:

- What you like and don’t like about the practice of law.
- Good and bad lawyering.
- How you can achieve what you desire.
- Etc., etc., etc.!!!!!!
You will be assigned journal topics by your Instructor. You can wait till class to begin journaling. Must be thoughtful and thorough or they will be returned. They are not read by your Mentor – only by your Instructor and Professors Vessels or Webb. Completely confidential.
4 Keys to Success

1. Read my Memorandum to you:
   - Workplace Etiquette:
     - Dress.
     - Communicating with support staff.
     - Treat me formally.
   - Workplace Attitude
     - Poise and Confidence.
     - Take initiative.
     - Be on time and turn in your work on time.
     - Seek me out for more work!
4 Keys to Success (con’t)

Memorandum (con’t)

– Brush up before you show up:
  - Review applicable law or procedure.
  - Read about my office, chambers, etc.
  - Brush up on research and writing.
  - Produce thoughtful arguments and analysis.
2. Be thoughtful in completing the Learning Agenda!
   - Take this seriously!
   - This is your chance to work with your Mentor to let her know what you want out of this externship. A thorough, thoughtful Learning Agenda results in a good externship!
4 Keys to Success (con’t)

3. Use the Assignment Clarification Cheat Sheet.

4. Communicate, Communicate, Communicate
   - If you are having challenges at your externship, come see us. Don’t wait till the end of the semester.