



UNIVERSITY OF
SOUTH DAKOTA
KNUDSON SCHOOL OF LAW

EXTERNSHIP PROGRAM MANUAL

[REVISED 8/20/22]





WELCOME

The University of South Dakota Knudson School of Law is grateful to the sponsoring volunteers who selflessly support and mentor extern students. Your support and efforts are the cornerstone of a quality experiential learning experience. Externships (field placements) prepare students for the effective, ethical, and responsible participation in the practice of law.

Through these unique opportunities, students place the substantive law theories they learn in the classroom into practice. Through the skilled guidance and mentorship of experienced attorneys and judges, students are empowered to strengthen their legal proficiency and knowledge.

We thank you for the time and energy it takes to mentor the next generation of lawyers.

To assist you in supervising a student extern, we have compiled this Externship Program Manual.

Tamara P. Nash

University of South Dakota Knudson School of Law
Director of Experiential Learning

“

ONE OF THE BEST AND MOST BENEFICIAL EXPERIENCES

- Jaquilyn Waddell Boie (Class of 2023)

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The externship experience provides students with a unique opportunity to not only become better acquainted with the judicial system, but also refine numerous skills in professionalism, ethics, and legal analysis and writing. I had the great pleasure and honor to work for a justice of the South Dakota Supreme Court. The externship was, without question, one of the best and most beneficial experiences I had during law school. I would highly recommend that every student take advantage of the opportunity to complete an externship while at the USD Knudson School of Law.

- Jaquilyn Waddell Boie

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ACADEMIC POLICY

An externship (or field placement) is a for-credit course in which a significant part of the learning relies on students either representing clients or performing other lawyering roles under the supervision of practicing lawyers or other qualified legal professionals outside of the law school.

The Externship Program is comprised of two major components:

1. Classroom instruction, led by the Director of Experiential Learning and designed to maximize and supplement the experiential experience.
2. Field placement, supervised by a licensed attorney/judge.

The Externship Program requires that the placement generate opportunity for students to engage in substantial legal work and employ a range of lawyering skills—from basic research and analysis to complex doctrinal knowledge and strategy development. In addition, students should put into practice advocacy, counseling, and other cornerstone skills that form the basis of our legal systems.

Throughout the externship program, supervisors and students work collaboratively to demonstrate synergy between the program's goals, the supervisor's mentoring methods, and the student's professional development objectives. This synergy will help realize the utmost benefit from the practical learning experiences.

All students at the University of South Dakota Knudson School of Law must participate in the experiential learning program. Second-year and third-year students may participate in the Externship Program during the academic year and during the summer.

GOALS

The Externship Program encompasses the following key goals and objectives. These goals integrate the doctrinal legal education with the actual practice of law, while strengthening the student's professional development opportunities.

Lawyering Skills

Placements should offer opportunities for students to understand and develop some of the basic competencies required for legal practice. These crucial competencies encompass primary and secondary lawyering skills (interviewing, legal counseling, analysis and development of legal theories, negotiation and advocacy, etc.), leadership and office management skills, legal research and writing, employment of law practice and office technologies, and others.

Professional Responsibility and Ethics

Placements should offer opportunities for students to engage in professional growth opportunities through exposure and analysis of legal ethics and professional conduct situations.

Self-Evaluation and Reflection Skills

Placements should provide students opportunities for active learning through experience, feedback, reflection, and "lessons learned."

Professionalism and Professional Identity

Placements should offer opportunities for students to foment leadership development and engage in public service. Further, placements should encourage individual leadership development, legal ethics, and professionalism.

METHODS

It is critical that every student participate in a tailored lawyering opportunity, which operates under the direct supervision of both the Director of Experiential Learning and the externship field supervisor.

The supervisor ensures that each student achieves the above-stated goals as well as the student's specific objectives; they provide supervised instruction to achieve those goals.

The methods to attain the development of key lawyering areas encompass the following:

- Acquire legal knowledge using critical reviews, legal reasoning and problem solving techniques, understand and develop facts and legal theories, and apply the facts to the theories.
- Apply legal analysis and legal strategies using substantive law and proper legal theories—practice fact finding techniques such as questioning and interviewing, collecting and reviewing documents, organizing and categorizing information, etc.
- Learn substantive and procedural law, conduct legal research, and develop legal practice skills (i.e., present legal arguments, employ proper trial techniques, negotiate and arbitrate legal conflicts, draft agreements, conduct due diligence, research legal issues, represent and counsel clients, etc.).
- Receive exposure to challenging and complex legal matters.
- Learn law office and management procedures—including development of communication skills, task planning and execution, organization and management of legal assignments, teamwork, leading others, and law business management.
- Receive exposure to ethical and professional conduct and analyze ethical and professional issues and provide course of action recommendations.
- Practice professionalism, maintaining integrity and honesty in the execution of legal duties, acting with diligence and civility, managing deviations and errors, etc.

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- Emphasize client service and building relationships—understand the facts of the case and client’s interests/needs, provide proper advice and counseling, build trust, and develop proper communication skills.
 - Develop and practice leadership skills related to the practice of law—emphasizing communications, advocacy, creative problem solving, collaboration and building consensus, envisioning, and planning.
 - Nurturing collaborative and “civility in the legal practice” skills through classroom discussions, practical examples, and sharing of “lessons learned.”
 - Developing a professional identity in the legal community, developing strategic relationships, networking, and nurturing professional development tools.
 - Additional methods of achieving these goals involve interactions with key stakeholders in the legal community, including bar members and other legal counselors, judges, court clerks, other judicial branch personnel, paralegals, government and pro-bono agencies representatives, etc.

Procedures and requirements for the Externship Program are outlined below.



EXTERNSHIP PROGRAM POLICIES

Placements

It is important to consider how an externship experience fits within the student's given student's educational goals. Students are responsible for securing their own placements in consultation with the Externship Director.

Advance approval is required by the Director of Experiential Learning. Students must complete the Externship Program Application to facilitate the approval process. See Appendix III: Externship Application. Once the application is received, the Director of Experiential Learning will determine if the placement is approved. If approved, the student will be notified and permitted to register for the course. To the extent possible, placements should be finalized before the semester begins..

Following approval, students will be required to complete several tasks prior to beginning their field placement hours. Including attending the mandatory Externship Program Orientation, completing the Externship Memorandum of Understanding, and completing an Externship Plan. Applicable deadlines will be communicated by the Director of Experiential Learning.

During the summer only, the placement may be located outside of the state of South Dakota. Prior approval by the Director of Experiential Learning is required.

Direct Supervision

A student's direct supervisor must be a licensed attorney or judge.

The supervisor's direct involvement in the Externship Program is a crucial component of the student's education. Students will learn from their supervisors the different approaches and techniques to the lawyering process, client responsibility, applied legal ethics, the economics of the practice of law, and other crucial skills. These will be indelible imprints in the careers of our future attorneys.

The supervisor's activities in the externship program involve painstaking and serious dedication to teaching. This undertaking involves the principles, policies, aims, and goals of the School of Law as a matter of academic training.

Supervisors in the externship program are both role models and part of the academic effort at the School of Law. As such, students and supervisors must keep

the following requirements in mind as they perform their roles and responsibilities throughout the externship program:

Goal Achievement

All field-supervised placements are made to achieve the educational goals of the Externship Program. Students should be exposed to a wide range of academic training—as outlined in the Academic Goals and Methods discussion above.

Substantive Legal Work

The externship placement must provide the opportunity to engage in substantial legal work, appropriate for students, including more advanced work for students as they become more capable. The work should provide students with an understanding of all aspects of the work of the placement and expose students to decision-making on active cases or problems, whether through staff meetings, conversations with mentors and other attorneys, or other collaborative work processes. Credit will not be awarded for an externship that does not provide a meaningful legal educational experience (i.e., one consisting of administrative work or non-substantive assignments). See Appendix XI: ABA Standards Governing Externships.

No Employment Agreement

To maintain conformity with existing ABA rules and to ensure that each student's externship experience is purely an academic experience—no student may be placed with a supervising entity (firm, agency, government body, etc.) where it has been indicated or established that the supervising entity has entered into an agreement to employ the student after graduation.

Student's Work Schedule

The supervisor should discuss and coordinate the work schedule with the student, considering the student's academic calendar and course schedule.

Student Absence

In the event of an emergency that requires an absence (adverse weather conditions, illness, personal matters, etc.), the student is responsible for notifying the supervisor

and the appropriate faculty. Any unexcused absence may be grounds for dismissal from the course.

Academic Recesses and Legal Holidays

Academic recesses and legal holidays at the University of South Dakota Knudson School of Law do not apply to externship students. However, students will not normally accrue hours of work during the in-between semester recesses unless:

- The student has enrolled in the following semester's Externship Program
- The student agrees to attend weekly reflection meetings with the Director of Experiential Learning
- The student is properly supervised and complies with all the rules established for the Externship Program
- The Externship Program contains specific goals that must be accomplished outside the regular semester's timeline
- The Externship Program has been pre-approved by the Director of Experiential Learning

Compensation

The University of South Dakota Knudson School of Law Academic Committee and the faculty have approved paid externships. Students may also receive reimbursement for certain out-of-pocket expenses related to the placement if the placement agrees to offer such e.g., commuting expenses and parking. Nevertheless, Law Schools are still required to approve the paid externship concept and develop programmatic requirements to meet the new ABA Standards. Paid externship programs will be strictly supervised and monitored.

No compensation can be paid by or requested from the client for the activities and work of the student. The complete programmatic requirements are outlined in Appendix IVI: Paid Externship Requirements.

EXTERNSHIP PROGRAM REQUIREMENTS

Memorandum of Understanding

A written understanding among the student, Director of Experiential Learning, and site supervisor at the field placement is required prior to the student beginning their field placement. The Memorandum of Understanding is critical to outline the educational quality of the experience for the student, articulation a method for evaluation, and the respective roles of faculty, site supervisor, and extern. See Appendix XI: ABA Standards Governing Externships; Appendix V: Memorandum of Understanding.

Externship Plan

Each student is required to complete an Externship Plan, which should identify what the student hopes to learn and what skills the student hopes to improve during the semester. The Externship Plan should also include expectations, a plan for feedback, and communication schedules. The Externship Plan should be completed with and certified by the site supervisor. See Appendix VII: Externship Plan.

Daily Records

The student must maintain daily records of the externship experience (including attendance, work assigned, duties accomplished, etc.), as described in the course syllabus. The records should be submitted as assigned on the Law School's academic platform (D2L) and must be uploaded in the student's CSM account at the end of the semester. The records should be reviewed and approved for accuracy by the supervisor prior to submission.

Site Visit/Contact with Director of Experiential Learning

Each student shall meet personally or remotely with the Director of Experiential Learning (or designated school representative) during the externship. Continuous communications must be maintained throughout the externship course. Students should promptly contact the Director (or designated school representative) if they have any concerns about their Externship.

The Director of Experiential Learning will also maintain regular communication with site supervisors regular communication should include phone calls, video conferencing calls, and emails.

The Externship Program typically requires a midterm meeting between the site supervisor, the student, and the Director of Experiential Learning. The site supervisor may conduct the mid-term assessment in-person or remotely.

Evaluation

Site supervisors must complete a mid-term and end-of-semester evaluation of the student's work performance. The evaluation should include a comprehensive assessment of performance, focusing on both strengths and areas for further development as well as a review of the cases and projects assigned to the student. See Appendix VII and VIII: Mid-Term and Final Evaluation.

Student Writing

Each student is required to prepare legal documents during the externship experience. These documents may consist of a combination of legal memoranda, briefs, pleadings, motions, judgments, letters, etc. The student's work should be reviewed by the field supervisor and, subject to requirements in the syllabus, the student must select and submit a redacted sample of the work as part of the course requirements

Time Sheets

Each student is required to maintain a log of field placement hours worked through a timesheet, which must be verified by their supervisor. A copy of their timesheet is to be kept and maintained by the student.



SUPERVISOR FUNCTIONS AND REQUIREMENTS

The function of the supervisor is to oversee and balance the legal work assigned to the student.

In offices with multiple attorneys, one attorney should be selected to be the primary attorney responsible for overseeing the student's progress in meeting the educational goals of the program.

The supervisor's functions are:

- Read and agree to follow the provisions of this Manual and the other established School of Law rules and regulations.
- Understand the educational objectives of the externship course.
- Serve as the principal point of contact with the Director of Experiential Learning before and throughout the externship to discuss the educational goals and objectives as well as the student's assignments, progress,

evaluations, etc. Further, be the point of contact for site visits and conferences with the Director of Experiential Learning during the externship.

- Maintain the primary responsibility for the student's field exposure and control the flow, intensity, and complexity of assignments given to the student.
- Provide the externship student with opportunities to develop the broadest range of lawyering skills possible—as outlined in the goals and methods section.
- Provide direct supervision, guidance, and critique of the student's work and performance.
- Supervise the student's lawyering activities, as required. This will involve attention to the South Dakota Rules of Professional Conduct.
- Assist the student in conforming to the office procedures and be available to the student for consultations and mentoring.
- Introduce the student to the office's databases and manuals.
- Involve the student (as much as possible) in the operations of the office while encouraging the student to ask questions about office procedures, operational matters, and "the lawyering processes."
- Verify the student's daily summary of activities.
- Execute ongoing and follow-up conferences with the student to discuss projects, cases, forthcoming assignments, and other information and engage each student, on a regular basis, in a critical evaluation of the field experience—including the mid-semester and final evaluation.
- If court appearances are permitted, maintain familiarity and compliance with the Student Rules of Practice (e.g., S.D.C.L. §§ 16-18-2.1 through 16-18-2.10). The required documentation should be completed and submitted for approval through the Office of the Dean or the Law School Registration Officer.

The Field Placement Supervisor shall promptly notify the Director of Experiential Learning if the student extern fails to meet their responsibilities as set forth below.

Monitoring Student's Professional Growth

Students should receive meaningful feedback, mentoring, and coaching from their supervisors. More specifically, work assignments should be used as a professional development tool, building upon the basic groundwork in substantive and practical knowledge that the student brings while progressively increasing the complexity of the legal tasks and the student's level of responsibility.

The site supervisor should provide constructive, timely, specific, and ongoing feedback to the student. The feedback should be corrective and positive, allowing the student to reflect on the progress and learning as well as building upon the areas of strength and overcoming weaknesses.

Feedback should be accomplished via formal and informal coaching and mentoring. In addition, at least one key legal skill from each of the goals and methods sections described above (i.e., lawyering skills, professional responsibility and ethics, and self-evaluation and reflection) should be identified and used as markers to measure skill development and progress throughout the externship. Also, students may be encouraged to participate in internal training programs, seminars, workshops, and clinics, and other professional engagements. The student's participation in the Externship Program should be interactive, continuous, and engaging—fomenting the student's professional growth.

Ongoing feedback and evaluation is critical to ensure a successful clinical experience for our students. See Appendix VII: Externship Plan.



STUDENT REQUIREMENTS

The Externship Program allows students to pursue specific learning goals while preparing them for their future careers and roles in the legal profession; still, externships also offer students the opportunity for self-reflection—to understand their strengths, weaknesses, skills, and possible inclinations for their future careers.

Eligibility

Externship courses are offered on a non-discriminatory basis to all students duly enrolled in the University of South Dakota Knudson School of Law.

Students who have successfully completed a minimum of thirty-two (32) academic credits will be eligible to participate in a regular externship. Students must also certify in writing that they have read and are familiar with the South Dakota Rules of Professional Conduct (Appendix to SDCL 16-18) and agree to govern their individual conduct accordingly.

Students are eligible to enroll in fall, spring, and summer externships.

- Externships will be offered for 1 to 3 (variable) academic credits during the fall and spring semesters.

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- Externships will be offered for 1 to 6 (variable) academic credits during the summer semester.

Classroom Requirements

Students will take a corresponding class along with their field placement. The Assistant Dean of Academic Affairs along with the Director of Experiential Learning will determine the schedule of the course. Each externship student shall attend and participate in the required classroom instruction hours. The class serves to analyze the lawyering process through readings, discussions, presentations, and reflections. Students must complete all the required assignments. Students will not receive a passing grade in their externship without completing the appropriate seminar. This course is graded pass/fail. See Appendix IX: ABA Standards Governing Externships.

Externship (field placement) Hours

Students must complete at least 42.5 hours of field placement work per academic credit per semester. For example, a student enrolled in a 2-credit externship must complete a minimum of 85 externship hours per semester. This is in addition to the classroom hours and corresponding assignments.

Memorandum of Understanding

Timesheets accounting for field placement work must be signed by a supervisor who is an active member of the bar or credit will not be given for those hours. A copy of timesheets is to be kept and maintained by the student.

- The student must coordinate with the Director of Experiential Learning regarding their externship start and end date.
- Orientation and training hours at your placement count towards your hourly requirements.
- The last date to earn hours is the last day of exams, unless otherwise approved.
- At the discretion of the Director of Experiential Learning, timesheets that are late may not be counted.
- Class time does not count toward your field placement hours.

Professionalism and Professional Responsibility

Students are expected to conduct themselves in a professional manner at all times at their externships.

As an extern, the student is a part of the legal team at the placement and must comply with the South Dakota Rules of Professional Responsibility. See SDCL 16-18.

Students should also recognize that many placements that host externship students have additional standards beyond the prevailing ethical Rules of Professional Conduct

Confidentiality

Students should understand and recognize that matters they may handle under their various assignments are confidential. No student shall submit to another person any material, either orally or in written form, which would violate any provision of the Rules of Professional Responsibility concerning confidentiality of information.

Unauthorized Practice of Law

Students must not identify themselves as an attorney or give the impression that they are an attorney. Students should always advise clients (and others) that they are a law student and should confirm with their placement supervisor what title to use. See South Dakota Rule Rule of Professional Conduct 5.5.

STUDENT PRACTICE

Pursuant to SDCL 16-18-2.2, University of South Dakota Knudson School of Law externs may appear in court while under the supervision of a licensed attorney under the following conditions:

- Current enrollment in or graduation from an ABA-approved law school;
- Completion of at least 4 semesters of law school or the equivalent;
- Certification by the Dean of the Law School (good moral character and competent ability);
- Introduction to the court/administrative agency in which he or she is appearing;
- Has not received compensation directly from the client but only from the student's employer/contractor nor receive compensation if receiving credit;
- Certification that the student has read and is familiar with South Dakota's rules of professional conduct;

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- Students that are doing an externship outside South Dakota must comply with the student practice rules established in that jurisdiction and must certify in writing that they have read and are familiar with the Rules of Professional Conduct in that jurisdiction and agree to govern their individual conduct according; and .
 - Students must be approved for the desired placement and have a pre-participation interview with the Director of Experiential Learning.

See [South Dakota Codified Law 16-18-2.1 to 2.10](#).

Each site supervisor and extern must be familiar with ensuring the student meets (and continues to meet) all the requirements outlined in South Dakota Codified Laws.



APPENDIX

- I. Supervisor Checklist (form)
- II. Student Checklist (form)
- III. Externship Program Application (form)
- IV. Memorandum of Understanding (form)
- V. Supervisor Best Practices
- VI. Externship Plan (form)
- VII. Sample Confidentiality Agreement (form)
- VIII. Paid Externship Requirements
- IX. Workplace Confidentiality
- X. ABA Standards Governing Externships
- XI. Mid-Term Evaluation (form)
- XII. Final Evaluation (form)

APPENDIX I: SUPERVISOR CHECKLIST (FORM)

Task	Deadline
Prior to Start of Placement	
Review Externship Program Manual	
Review Student Practice Eligibility See Externship Program Manual and/or SDCL §§ 16-18- to 16-18-2.10	
Complete and Return Dean's Certificate Request Form (Return to USD Law Registrar, Teresa Carlisle (Teresa.Carlisle@usd.edu)), if applicable	
Provide Details of Externship Compensation (if applicable)	
Review South Dakota Rules of Professional Conduct	
Review and Complete Externship Program Memorandum of Understanding (Return to Professor Nash); See Externship Program Manual Appendix IV	
During Placement	
Complete Student Externship Plan (supervisor and student extern encouraged to complete together); See Externship Program Manual Appendix VI	
Attend (virtual) Midterm Meeting with Student and Professor Nash	
Complete and Return Midterm Student Evaluation (Return to Professor Nash); See Externship Program Manual Appendix XI	
Certify Student Externship (field hours)	
End of Placement	
Complete and Return Final Student Evaluation (Return to Professor Nash); See Externship Program Manual Appendix XII	
Approve and Certify Student Final Timesheet	
Approve Externship Writing Sample	
Schedule Exit Interview with Student (encouraged)	

APPENDIX II: STUDENT CHECKLIST (FORM)

Task	Deadline
Prior to Start of Placement	
Review Externship Program Manual	
Complete and Return Externship Program Application (Return to Professor Nash); See Externship Program Manual Appendix III	
Enroll in Externships (Law 844) Course	
Attend (virtual) Externship Program Orientation (Mandatory Attendance)	
Review Student Practice Eligibility; See Externship Program Manual and/or SDCL §§ 16-18- to 16-18-2.10	
Complete and Return Dean's Certificate Request Form (Return to USD Law Registrar, Teresa Carlisle (Teresa.Carlisle@usd.edu)), <i>if applicable</i>	
Provide Details of Externship Compensation, <i>if applicable</i>	
Review and Certify Compliance with South Dakota Rules of Professional Conduct	
Complete and Return Externship Program Memorandum of Understanding (supervisor and student extern encouraged to complete together); See Externship Program Manual Appendix IV	
During Placement	
Complete and Return Student Externship Plan (Return to Professor Nash); See Externship Program Manual Appendix VI	
Attend (virtual) Midterm Meeting (Professor Nash, student, supervisor)	
Track and log field placement hours via CSM Platform	
Track Externship (field placement) Work Assignments	
Complete coursework (student reflections, as assigned, etc)	
End of Placement	
Complete and Return Student Cumulative Timesheet	
Submit Externship Writing Sample	

Attend (virtual) Exit Interview with Professor Nash	
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APPENDIX III: EXTERNSHIP PROGRAM APPLICATION (FORM)

Prior to enrolling in the Externships Course (Law 844), students must: (1) complete the Externship Program Application and (2) secure approval for their field placement. Following approval, students must complete several tasks prior to beginning their field placement hours. Including attending the mandatory Externship Program Orientation, completing the Externship Memorandum of Understanding, and completing an Externship Plan. Applicable deadlines will be communicated by the Director of Experiential Learning.

Return this application via email to Professor Tamara Nash, Director of Experiential Learning at Experiential@usd.edu.

Student Name	
Phone	
Email	
Anticipated Graduation Date	
Hours Completed by Spring 2022	
Experiential Credits by Spring 2022	
Cumulative GPA	

I am applying to enroll in the following semester: _____

I am requesting to enroll for _____ credits

Note: During the fall/spring term, students may enroll in 1-3 academic credits. During the summer term, students may enroll in 1-6 academic credits. At least 42.5 credits of field placement work is required per credit hour.

Field Placement Site	
Site Supervisor (licensed attorney/judge)	
Site Supervisor Contact Information	
Compensation Agreement, if applicable	

Proposed Externship Experience (describe the nature of work)	
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I certify that I have completed all of the below prerequisites:

- Reviewed the Externship Manual and [Academic Policies](#)
- Completed 32 hours of academic credits

Identify from the below, what courses you have completed. Additionally, identify any courses you will be enrolled in concurrent with your externship:

- Law 823: Evidence
- Law 857: Professional Responsibility
- Law 855: Trial Techniques

Acknowledgments

- I understand that I may not be placed with an entity where it has been indicated or agreed upon that I will be hired following graduation.
- I understand that I may receive compensation. However, no compensation may be paid by or requested from a client from the result of my work.
- I understand that I will be required to take a contemporaneous class along with any field placement. I will be required to attend and participate in the class, which is graded pass/fail.
- I understand that the field placement must provide the opportunity to engage in substantial legal work. Further, credit will not be awarded for placements that fail to fulfill this requirement.

Please identify your prior *for-credit* experiential learning courses, including externship placements. Include the semester enrolled, number of credits, and supervisor.

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Please identify your prior non-credit (pro-bono) experiential learning participation. Include the semester enrolled, number of hours, and supervisor.

For additional information, consult the [Academic Rules and Student Policies](#).

Student Signature

Date

[APPROVED/DENIED]

Tamara P. Nash, Director of Experiential Learning

APPENDIX IV: MEMORANDUM OF UNDERSTANDING (FORM)

The University of South Dakota Knudson School of Law Externship Program is an integral part of the academic curriculum. The Law School recognizes the value that externship placements provide students by incorporating real-world experiential learning into the curriculum. The program allows student externs, supervising attorneys, and faculty members to engage in a collaborative learning experience. Externships (field placements) prepare them for the effective, ethical, and responsible participation in the practice of law.

This Memorandum describes the roles and responsibilities of the parties to this agreement, as set forth below:

Student Extern	
Placement	
Supervising Attorney/Site Supervisor	
Director of Experiential Learning	

Section 1: USD Director of Experiential Learning

The University of South Dakota Knudson School of Law Director of Experiential Learning agrees to:

1. Communicate the Externship Program's requirements, including the American Bar Association Standards, the Law School Externship Program Policy, and other guidelines, to the student extern, and the site supervisor, and will ensure that the externship meets these requirements.
2. Enforce rules and expectations of the Externship Program regarding professionalism and workplace conduct, with measures up to and including removal of a student extern from an externship when necessary.
3. Administer classroom sessions for the student extern during the externship semester.
4. Visit the field placement as required by the ABA Standards or the University of South Dakota School of Law Externship Program.

Director of Experiential Learning

Date

Section II: Field Placement Supervisor

I, _____, certify that I am a licensed attorney. My first bar admission was to the _____ (state) Bar in _____ (month/year). I am an active member with the _____(state) Bar.

I further certify that I am authorized to offer an externship position to _____ (student) and that I will adhere requirements of the University of South Dakota Knudson School of Law Externship Program as well as this Memorandum of Understanding.

The field placement/site supervisor agrees the following conditions as a participating Supervisor in the University of South Dakota Knudson School of Law Externship Program:

1. I have read the Externship Manual and agree to follow the education goals and methods stated therein.
2. I understand that the purpose of the Externship Program is to expand the depth and breadth of the traditional legal education and provide experiential opportunities for the student to develop professional lawyering skills, instill responsibility and ethics, and provide opportunities for self-evaluation and reflection.
3. I will maintain awareness of professional and ethical obligations at all times. Including the parameters of student practice, if applicable.
4. I accept primary responsibility for the student's supervision and will serve as the "Site Supervisor/Supervising Attorney." As such, I will be actively directing, monitoring, and mentoring them throughout the semester. The student will receive an orientation, including discussion of office procedures, confidentiality, and an overview of the work and expectations of the extern. I

understand that the student is required to set realistic goals for the externship. I will review the student's goals to develop a workable plan for the semester.

5. The assignment, work, and feedback process will follow the academic requirements of the program as well as the premises contained in the Externship Program Manual.
6. The student extern will be assigned meaningful and challenging legal work that exposes the student to the variety of legal tasks and issues that a lawyer in this office regularly confronts and that allows the student to develop legal skills, legal judgment, ethical sensibilities, and problem-solving skills. This work must be representative of my work as a supervisor. Further, the student's legal work and research will be assigned in the context of real cases, issues, or other projects encompassed within my office. Any relevant case files should be made available to the student, if applicable to the work.
7. The student extern will not be assigned clerical tasks, e.g., filing, photocopying, library updating, indexing, unless such tasks are specifically related to an educational activity. In any case, these tasks should not be excessive when measured against the externship time and the tasks to be accomplished.
8. The student extern will be informed of the system for assigning work projects, given clear deadlines, and will receive on-going guidance for managing the workload.
9. The student extern will be provided specific, individualized, and timely feedback on each assignment. Further, periodic written evaluations will be completed. Additionally, I will complete a Mid-term Evaluation and a Final Evaluation.
10. The student extern will be afforded the opportunity to meet with supervisor, other attorneys, and pertinent staff to discuss their observations, experiences, and other issues relevant to the profession.
11. The student extern will have opportunities to observe and participate in judicial and transactional proceedings (as available/allowed), client/staff/strategy meetings, and other appropriate professional activities.
12. The student extern will have a designated workspace and access to the tools (e.g., telephone, computer, library) and support reasonably necessary to complete assignments.
13. I understand that for each credit hour earned, the student must work at least 42.5 hours. For example, if they are taking a 3 credit hour externship, they must complete at least 127.5 hours during the semester.

-
14. I understand that the student is enrolled in a co-requisite class taught by the Director of Experiential Learning (or designated faculty member) and that the student will be required to submit several assignments during the externship, including providing a writing sample from their placement.
 15. I understand that where the student extern is assigned work on fee generating matters, the extern's time will not be billed.
 16. I will promptly notify the Director of Experiential Learning if the student extern fails to meet their responsibilities as set forth below in Section III.
 17. I have read this Memorandum of Understanding and understand and agree to comply with it.

Field Placement Supervisor

Date

Section III: Law Student Extern

I, _____, agree that my externship will begin _____ and end _____. I will not alter those dates without obtaining the express consent from the Director of Experiential Learning. I agree not to discontinue my externship for any reason without first obtaining the permission of the Director of Experiential Learning.

The University of South Dakota Knudson School of Law student extern agrees to:

1. Be familiar with, and comply with, all [University of South Dakota School of Law Academic Policies](#) (including all Disciplinary Policies and Procedures).
2. Be familiar with, and comply with, all University of South Dakota School of Law Externship Program policies and procedures as set forth in the USD Law Externship Program Manual.
3. Be fully aware of all professional and ethical obligations at all times in the externship placement. Including the parameters of student practice, if applicable.

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4. Follow directions and seek clarification and advice in a timely manner and comport myself with professionalism, integrity, and the rules of professional conduct.
 5. Be fully aware of and adhere to the confidentiality policy of the externship workplace, if applicable.
 6. I understand that it is solely my responsibility to submit all documents on time that are required to complete this externship course. It is solely my responsibility to verify with the Director of Experiential Learning that I have completed all course requirements on or before the last due date for the semester or summer session.
 7. I understand that for each credit hour earned, I must work at least 42.5 hours. For example, if I am taking a 3 credit hour externship, I must complete at least 127.5 hours during the semester.
 8. I understand that I will not receive credit for my externship unless and until this document is signed by me and my supervisor and I comply with the other requirements of the Experiential Learning Program.
 9. I have read this Memorandum of Understanding and understand and agree to comply with it. I understand that my signature reflects my agreement with the terms herein. I also acknowledge receipt of and understand and agree to comply with the document entitled University of South Dakota School of Law Externship Manual.

Student Extern

Date

APPENDIX V: SUPERVISOR BEST PRACTICES

Some externship placements have formal, well-established externship programs that provide new externs with materials describing everything from the structure of the office, to the externs' duties, to the local eateries. It is far more common, however, to find that placements, run their externship program more informally.

You can avoid this problem by taking a few steps to prepare for the student's arrival.

Structuring the Experience (Before Arrival)

- Exchange contact information
- Identify the work space and necessary logistics support needed (phone, computer, printer, and other technology; passwords/codes needed to operate computer, copier, and other hardware; office manuals; email account (if needed); keys and contact information; etc.).
- Each student should be assigned to work directly with one supervisor, although the student may also consult with other office staff throughout the course of the student's placement. Designate who will primarily assign responsibilities.
- Determine the primary legal work to be assigned and determine how the assigned work will match the goals and methods.
- Meet weekly with your student to explain assignments and provide critical feedback on the student's performance. Also, it will allow the student to ask questions and to obtain your guidance on a regular basis. We suggest weekly.
- Determine which support staff the extern can rely upon, if needed.
- Prepare a first assignment and gather files, samples, and other materials that the student will require; prepare to provide assignments to the student beginning the first day of the externship.
- Consider future assignments and training sessions.
- Review Workers' Compensation and Legal Malpractice requirements. These areas can be complicated. Firms, agencies, and organizations should seek legal counsel in order to determine the Workers' Compensation and Legal Malpractice implications.
- Please Note: There may be applicable federal and state tax and labor laws that you also must follow. Placement supervisors are advised to contact their legal counsel regarding legal issues. The U.S. Department of Labor, Fact Sheet #71 (provided for information purposes only) can be found [here](#).

First Day

- Conduct an office tour and office introductions.
- Provide an Orientation, which should:
 - ◆ Inform the student if you have a preferred method of contact within the office or when you (or the student) are away from the office. Please also suggest any best practices with regard to students communicating over email – both in what kind of documents or information may be disclosed over email as well as email etiquette when communicating with you, other attorneys, and clients in a professional manner.
 - ◆ Explain the office’s mission and structure, and discuss any broader issues that are critical to serving the mission or client population.
 - ◆ Brief the extern about office protocols regarding attendance, punctuality, security, safety emergency procedures, filing systems, routing of phone calls, dress code, computer usage, Lexis/Nexis, etc.
 - ◆ Set the extern’s schedule for the semester/summer.
 - ◆ Discuss your and the student's expectations of the work to be done, the specific types of tasks the student will be assigned, the time frame for completion, and the goals of the project or placement.
 - ◆ Discuss and develop the Externship Plan. Engage in an informal conversation regarding possible goals and methods applicable to the externship and set expectations for the externship. Remember, the Externship Plan is a requirement of the Externship Program. See Appendix VI: Externship Plan.
 - ◆ Raise the issue of potential conflict of interests with the student and the rules of professional responsibility that must be considered.
 - ◆ Discuss confidentiality and sign a confidentiality agreement (if applicable). A sample confidentiality agreement is located in Appendix XIII.
 - ◆ Discuss upcoming meetings/deadlines/events.
 - ◆ Discuss first assignments, due dates, and future opportunities.

Assigning Work

Central to achieving the stated learning goals are the number and type of assignments externs receive and the clarity of the supervisor's communication about what is expected from each assignment. Best practices can include:

- When assigning legal work to the student, only one attorney should be used to keep track of and supervise the assignments.
- Do not assign too much (or too little) legal work.
- Remember, each assignment should:
 - ◆ Include an adequate description of the work required, including the desired form for the finished product (for example: outline, memo, oral or written briefing, legal product, etc.).
 - ◆ Provide a sufficient factual and contextual background.
 - ◆ Provide a realistic timeframe for completion.
 - ◆ Explain the purpose or objectives of the assignment.
 - ◆ Emphasize a timeline for completion (considering the student's knowledge, skills, and abilities).
 - ◆ Highlight potential research issues, topics, and reference materials.
 - ◆ Provide a point of contact for the project.
 - ◆ Provide templates, necessary files, and other materials needed.
- Consider following-up regularly with the student on progress.

Providing Feedback

Students often continue to repeat the same errors unless they are given specific notice that improvement is necessary. Therefore, we urge all supervisors to provide feedback early in the semester so any problems can be addressed before the externship proceeds too far. Best practices can include:

- Provide timely and constructive feedback on all assignments. One feedback model that can be used is the "FAST Model."
 - ◆ Frequent – Regular (weekly) meetings meet this requirement.
 - ◆ Accurate – Describe actions or behaviors that can or should be addressed, rather than the person.

-
- ◆ Specific – Pinpoint discrete identifiable points to be replicated or improved.
 - ◆ Timely – Provide prompt feedback to prevent mistakes from repeating due to a lapse of time.

→ Nature of feedback

- ◆ Provide honest feedback to help improve the student’s knowledge, skills, and abilities.
- ◆ Recognition of something that was well done is a powerful motivator. Highlighting a success allows the action to be reinforced and replicated.
- ◆ Provide a limited number of suggestions for improvement at a time.
- ◆ Plan what you want to communicate (content and manner of communication).
- ◆ Check for understanding by asking a question or requesting a comment that allows the student to show that the recommendations will be incorporated in future work.
- ◆ Remain open to the possibility of improvement. The student should be allowed to demonstrate the learning and professional development—assignments should not decrease in depth and breadth; rather, the student should be allowed to increase the knowledge and demonstrate the skills to complete increasingly demanding and challenging work.

APPENDIX VI: EXTERNSHIP PLAN (FORM)

The student and supervising attorney must meet to draft an Externship Plan, which outlines the student's goals for the externship. The Externship Plan should identify each of the below.

Goals- Identify specific goal(s) that the student wants to achieve during the placement. The SMART method should be used - goals should be Specific, Measurable, Attainable, Realistic, and Timely. It is ideal to identify three to four goals. Refer to the Statement of Goals and Methods of the Externship Manual to help draft your unique goals.

Skill Area- Identify a broad category or lawyer skill the specific goal will cultivate. Remember, your goals can fall into broad categories, including skill development (legal research and writing), knowledge area (criminal law or family law), or professional competency (communication or leadership). Refer to the Statement of Goals and Methods in the Externship Manual to help identify skill areas the student may want to emphasize.

Plan/Steps to Achieve Goal- Identify a plan or tangible steps the student can take to achieve the goal. Ideally, the plan will identify tasks in a progressive fashion - from less to more complex as they proceed through the semester. Remember, you cannot predict the precise progression of the semester, so this is more of an aspiration than a schedule. The supervising attorney's feedback and assistance will be especially critical for this portion.

Evaluation Method - Identify the plan to evaluate the student's progress toward achieving their goal(s). It should be catered to the specific goal.

Feedback Plan- This is a description of the plan for the supervising attorney to provide feedback to the student. For example, you may set a goal of meeting every Wednesday and Friday to gain feedback. Remember, in addition to meetings, feedback can include written edits to a piece of work, electronic communication or some combination. Whatever you choose, it is important to make it concrete and consistent.

TEMPLATE EXTERNSHIP PLAN

Student Extern Name	
Placement	
Supervising Attorney	
Date	

Goal:

Skill to Develop:

Plan/Steps:	
Evaluation Method:	

Goal:

Skill to Develop:

Plan/Steps:	
Evaluation Method:	

Goal:

Skill to Develop:

Plan/Steps:	
Evaluation Method:	

Goal:

Skill to Develop:

Plan/Steps:	
Evaluation Method:	

Feedback Plan:

Supervising Attorney

Student Extern

APPENDIX VII: PAID EXTERNSHIP REQUIREMENTS

General Description of the Paid Externship Program

A student will be enrolled in a paid externship if the student receives academic credit for the work, is enrolled in the externship class, and receives financial compensation for the work. Financial compensation includes wages, a regular stipend, an awarded fellowship, grant, or a combination of these or other compensation schemes. However, financial compensation does not include reimbursement for travel, meals, and incidentals when reimbursable to the student (i.e., for example, a non-profit organization does not pay the student, but provides travel reimbursement for costs incurred while visiting a client outside the office). The financial compensation could be provided by the field placement agency or firm or another source (i.e., a law firm that pays a salary to a student that is attached to or serving a non-profit agency as part of the Law Firm's pro-bono activities). The University of South Dakota Knudson School of Law will not provide payment for externships.

Protocols and Requirements for Students Enrolled in the Paid Externship Program

A student may enroll in a paid externship under the following conditions:

- Students must enroll in the externship class and must receive approval from the Director of Experiential Learning or School Representative for the field placement site, supervisor, and type of work.
- Students are required to meet with the Director of Experiential Learning to discuss the paid externship requirements and obtain approval before enrolling in the externship program. Furthermore, students are required to work with Career Services to obtain the necessary information for the externship site, including coordinating with their career goals, areas of interest, and discuss pro-bono and other non-profit/volunteer service opportunities.
- Field Placement Supervisors must communicate with the Director of Experiential Learning or School Representative before the start of the paid externship; supervisors must be approved by the Director of Experiential Learning or School Representative.
- The student and supervisor must agree to follow all the programmatic requirements, ABA standards, and rules outlined in this manual, School-Field Placement Agreement, School-Student Agreement, Student Practice Certificate, and other field placement documentation required for externships. To review ABA standards, see Appendix II.

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- All the required documentation, including the agreements and the student's goals must be completed within the first week of placement. Students and supervisors must develop specific goals or objectives for the externship, clearly addressing the students' duties and responsibilities, performance goals, and areas of performance. This includes developing a strategy to meet the required field placement work goals (as outlined in this manual) and hours.
 - The student's paid externship work will not be billable by the law firm; the supervisor will be able to bill for his or her own work, but not for the student's work. This requirement prevents the firm from using the student in a paralegal or administrative function—something that is contrary to ABA's Standards 303 and 304; the Student Attorney is required to work, under supervision and as allowed by the rules of practice, in legal projects that are typically assigned to attorneys in that field placement (not paralegals or administrative personnel), pro-bono work typically assigned or required of attorneys in the office, etc. The paid externship must clearly outline the substantial lawyering experience and opportunities for performance, feedback and self-evaluation; in addition, the assigned work must safeguard the educational quality of the experience for the student.
 - Paid field placement work for credit with a current or former employer will not normally be approved. However, such placement may be considered for credit only under stricter standards and careful monitoring of work activities, goals, and performance. A student desiring to enroll in an externship program with a current employer must submit an explanation, approved and signed by both the student and the supervisor, describing the increased educational value of the experience and how the work will be substantially different from the work the student is already engaged in as an employee. In addition, the memo must detail how the student's externship hours will be separated from the existing or prior work schedule and duties. Such memorandum should address the specific steps to be taken to ensure that the experiential learning hours and work effort are not diminished by prior work or other work that may be assigned outside the externship framework. Ideally, no other work should take place outside the externship framework. Substantially different work may include different legal projects that are typically assigned to attorneys in that field placement (not paralegals or administrative personnel), work on a new area of law under a different supervisor, pro-bono work typically assigned or required of attorneys in the office, etc.
 - Similarly to unpaid externships, paid externships cannot be used to satisfy the 50-hour pro-bono requirement to receive recognition at graduation. This applies to unpaid or paid externship work that is conducted at a government

or nonprofit agency. To satisfy the pro-bono requirement, you must volunteer outside the credit/pay externship requirement.

- During the initial Externship Class, paid externs will receive an additional orientation on the value of pro-bono, non-profit, and volunteer work.

APPENDIX VIII: WORKPLACE CONFIDENTIALITY

Observing ethical obligations of confidentiality is a central principle of the attorney-client relationship. Because students may not have experienced formal training in professional responsibility at the time of the externship, supervisors should ensure that students are aware of the confidentiality policies specific to the externship placement.

Sample Confidentiality Agreement

1. General –The obligations of confidentiality arising from the South Dakota Rules of Professional Conduct (S.D.C.L. §§ 16-18) apply to externs. The [Placement] staff, including externs, shall not disclose or release any information designated as confidential, or that may identify a party, client, case, or matter that is served by or brought to [Placement], without the express, advance authorization of the extern supervisor. The extern must keep confidential any information received from a client whether or not it pertains to a pending case. This legal obligation continues beyond the period of the externship. With the supervisor’s express permission only, an extern may use a properly redacted document as a writing sample.
2. Providing Legal Advice – Externs shall not give any legal advice to a person or client, nor express any opinion concerning the merits of a client’s case to a client or to any third party, unless he or she is supervised by an attorney or is authorized by the attorney to provide the advice.
3. Office Visits – No one other than [Placement] staff should be permitted in the offices, without permission. If anyone other than [Placement] staff, including former staff members, enters the premises, they shall be escorted to an office or conference room. Externs should receive permission from their supervisor before inviting personal guests to visit the office.
4. Meeting Clients During Intake – As the supervisor shall explain to the extern, [Placement] staff should explain to potential clients that confidences or secrets disclosed by the client will be kept confidential, and that staff cannot reveal this information without the client’s permission.
5. Taking Office Files Off-Site – Offices files shall not be taken from the premises without permission from the extern’s supervisor. In cases where permission is given, only copies and not originals of files shall be taken off-site. Office files should never be emailed to private email accounts. If communicating with a supervisor, co-worker, client, or others regarding confidential case information,

special care should be taken to preserve confidentiality. Records of email communications should be maintained consistent with office policy.

6. Disposing of Office Files – Confidential information shall be disposed of by shredding it at the office or in accordance with the protocol for disposal of electronic copies.
7. Acknowledgement – By signing this agreement, the extern agrees to comply with the provisions above, and confirms he or she has read the South Dakota Rules of Professional Conduct, S.D.C.L. §§ 16-18, and the particular confidentiality provisions.

APPENDIX IX: ABA STANDARDS GOVERNING EXTERNSHIPS

ABA Standards and Rules of Procedure for Approval of Law Schools

[View 2021-2022 Standards and Rules of Procedures Here.](#)

ABA Standards for Programs of Legal Education

Standards 303 and 304 provide the requirements for and regulate field placements and other study outside the classroom. [View Standards Here.](#)

Standard 303. Curriculum

- (a) A law school shall offer a curriculum that requires each student to satisfactorily complete at least the following:
 - (1) one course of at least two credit hours in professional responsibility that includes substantial instruction in rules of professional conduct, and the values and responsibilities of the legal profession and its members;
 - (2) one writing experience in the first year and at least one additional writing experience after the first year, both of which are faculty supervised; and
 - (3) one or more experiential course(s) totaling at least six credit hours. An experiential course must be a simulation course, a law clinic, or a field placement, as defined in Standard 304.

- (b) A law school shall provide substantial opportunities to students for:
 - (1) law clinics or field placement(s); and
 - (2) student participation in pro bono legal services, including law-related public service activities.

Standard 304. Experiential Courses, Simulation Courses, Law Clinics, and Field Placements

- (a) Experiential courses satisfying Standard 303(a) are simulation courses, law clinics, and field placements that must be primarily experiential in nature and must:
 - (i) integrate doctrine, theory, skills, and legal ethics, and engage students in performance of one or more of the professional skills identified in Standard 302;
 - (ii) develop the concepts underlying the professional skills being taught;

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- (iii) provide multiple opportunities for performance;
 - (iv) provide opportunities for student performance, self-evaluation, and feedback from a faculty member, or, for a field placement, a site supervisor;
 - (v) provide a classroom instructional component; or, for a field placement, a classroom instructional component, regularly scheduled tutorials, or other means of ongoing, contemporaneous, faculty-guided reflection; and
 - (vi) provide direct supervision of the student's performance by the faculty member; or, for a field placement, provide direct supervision of the student's performance by a faculty member or a site supervisor.
- (b) A simulation course provides substantial experience not involving an actual client, that is reasonably similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks in a set of facts and circumstances devised or adopted by a faculty member.
- (c) A law clinic provides substantial lawyering experience that involves advising or representing one or more actual clients or serving as a third-party neutral.
- (d) A field placement course provides substantial lawyering experience that (1) is reasonably similar to the experience of a lawyer advising or representing a client or engaging in other ABA Standards and Rules of Procedure for Approval of Law Schools 2020-2021 20 lawyering tasks in a setting outside a law clinic under the supervision of a licensed attorney or an individual otherwise qualified to supervise, and (2) includes the following:
- (i) a written understanding among the student, faculty member, and a person in authority at the field placement that describes both (A) the substantial lawyering experience and opportunities for performance, feedback and self-evaluation; and (B) the respective roles of faculty and any site supervisor in supervising the student and in assuring the educational quality of the experience for the student, including a clearly articulated method of evaluating the student's academic performance;
 - (ii) a method for selecting, training, evaluating and communicating with site supervisors, including regular contact between the faculty and site supervisors through in-person visits or other methods of communication that will assure the quality of the student educational experience. When appropriate, a school may use faculty members from other law schools to supervise or assist in the supervision or review of a field placement program;

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- (iii) evaluation of each student's educational achievement by a faculty member; and
 - (iv) sufficient control of the student experience to ensure that the requirements of the Standard are met. The law school must maintain records to document the steps taken to ensure compliance with the Standard, which shall include, but is not necessarily limited to, the written understandings described in Standard 304(d)(i).
- (e) (e) Credit granted for such a simulation, law clinic, or field placement course shall be commensurate with the time and effort required and the anticipated quality of the educational experience of the student.
- (f) (f) Each student in such a simulation, law clinic, or field placement course shall have successfully completed sufficient prerequisites or shall receive sufficient contemporaneous training to assure the quality of the student educational experience

Interpretation 304-1

When appropriate, a school may use faculty members from other law schools to supervise or assist in the supervision or review of a field placement program.

APPENDIX X: MID-TERM EVALUATION (FORM)

The purpose of this assessment is to review the student's progress and provide the opportunity to make any necessary adjustments to the Externship Plan.

Mid-semester, the supervising attorney should assess the student's performance in designated categories by considering their assigned duties and abilities to accomplish those duties. The Externship Plan should be used as a guidepost to assess the student's progress and evaluate whether any changes to the Externship Plan are appropriate. After completion, the supervising attorney should provide a signed copy of the Mid-term Evaluation to the Director of Experiential Learning. The copy may reflect any relevant notes.

Extern Name	
Placement	
Supervising Attorney	
Date	

Please use this form to evaluate the student extern. You may reference the Externship Plan established at the beginning of the semester. The supervising attorney should evaluate the student's performance by considering their assigned duties and their abilities to accomplish those duties.

Please assess the student extern in the below categories. If a category does not apply, please indicate it does not apply. If additional comments are appropriate, please add them at the bottom of this form.

PROFESSIONAL COMPETENCY: WORK ETHIC AND PROFESSIONALISM

Attendance: Excellent | Good | Average | Below Average | Not Applicable

Attitude: Excellent | Good | Average | Below Average | Not Applicable

Initiative: Excellent | Good | Average | Below Average | Not Applicable

Professionalism: Excellent | Good | Average | Below Average | Not Applicable

Judgment: Excellent | Good | Average | Below Average | Not Applicable

Willingness to Request Guidance: Excellent | Good | Average | Below Average | Not Applicable

Problem Solving: Excellent | Good | Average | Below Average| Not Applicable

Professional Ethics: Excellent | Good | Average | Below Average| Not Applicable

Comments:

SUBSTANTIVE LEGAL SKILLS: RESEARCH AND COMMUNICATION

Making/Meeting Deadlines: Excellent | Good | Average | Below Average| Not Applicable

Legal Knowledge: Excellent | Good | Average | Below Average| Not Applicable

Issue Spotting: Excellent | Good | Average | Below Average| Not Applicable

Oral Communication: Excellent | Good | Average | Below Average| Not Applicable

Research: Excellent | Good | Average | Below Average| Not Applicable

Citing Authority: Excellent | Good | Average | Below Average| Not Applicable

Analysis and Application: Excellent | Good | Average | Below Average| Not Applicable

Clarity in Writing: Excellent | Good | Average | Below Average| Not Applicable

Efficiency: Excellent | Good | Average | Below Average| Not Applicable

Thoroughness: Excellent | Good | Average | Below Average| Not Applicable

Attention to Detail: Excellent | Good | Average | Below Average| Not Applicable

Comments:

SUBSTANTIVE LEGAL SKILLS: COURT APPEARANCES

Demeanor: Excellent | Good | Average | Below Average | Not Applicable

Critical Thinking/Problem Solving: Excellent | Good | Average | Below Average | Not Applicable

Assertiveness: Excellent | Good | Average | Below Average | Not Applicable

Comments:

SUBSTANTIVE LEGAL SKILLS: CLIENT AND THIRD PARTY INTERACTIONS

Interviewing: Excellent | Good | Average | Below Average | Not Applicable

Client Counseling: Excellent | Good | Average | Below Average | Not Applicable

Demeanor: Excellent | Good | Average | Below Average | Not Applicable

Critical Thinking/Problem Solving: Excellent | Good | Average | Below Average | Not Applicable

Comments:

Supervising Attorney

Date

APPENDIX XI: FINAL EVALUATION (FORM)

The purpose of the final assessment is to provide a comprehensive review of the student's performance.

At the conclusion of the externship, the supervising attorney should assess the student's performance in designated categories by considering their assigned duties and abilities to accomplish those duties. The Externship Plan should be used as a guidepost. After completion, the supervising attorney should provide a signed copy of the Final Evaluation to the Director of Experiential Learning. The copy may reflect any relevant notes.

Extern Name	
Placement	
Supervising Attorney	
Date	

Please use this form to evaluate the student extern. You may reference the Externship Plan established at the beginning of the semester. The supervising attorney should evaluate the student's performance by considering their assigned duties and their abilities to accomplish those duties.

Honest assessment of the student's strengths and weaknesses are appreciated. Further, constructive comments are helpful and encouraged.

Please assess the student extern in the below categories. If a category does not apply, please indicate it does not apply. If additional comments are appropriate, please add them at the bottom of this form.

PROFESSIONAL COMPETENCY: WORK ETHIC AND PROFESSIONALISM

Attendance: Excellent | Good | Average | Below Average | Not Applicable

Comments:

Attitude: Excellent | Good | Average | Below Average | Not Applicable

Comments:

Initiative: Excellent | Good | Average | Below Average | Not Applicable

Comments:

Professionalism: Excellent | Good | Average | Below Average | Not Applicable

Comments:

Judgment: Excellent | Good | Average | Below Average | Not Applicable

Comments:

Willingness to Request Guidance: Excellent | Good | Average | Below Average | Not Applicable

Comments:

Problem Solving: Excellent | Good | Average | Below Average | Not Applicable

Comments:

Professional Ethics: Excellent | Good | Average | Below Average | Not Applicable

Comments:

SUBSTANTIVE LEGAL SKILLS: RESEARCH AND COMMUNICATION

Making/Meeting Deadlines: Excellent | Good | Average | Below Average| Not Applicable

Comments:

Legal Knowledge: Excellent | Good | Average | Below Average| Not Applicable

Comments:

Issue Spotting: Excellent | Good | Average | Below Average| Not Applicable

Comments:

Oral Communication: Excellent | Good | Average | Below Average| Not Applicable

Comments:

Research: Excellent | Good | Average | Below Average| Not Applicable

Comments:

Citing Authority: Excellent | Good | Average | Below Average| Not Applicable

Comments:

Analysis and Application: Excellent | Good | Average | Below Average | Not Applicable

Comments:

Clarity in Writing: Excellent | Good | Average | Below Average | Not Applicable

Comments:

Efficiency: Excellent | Good | Average | Below Average | Not Applicable

Comments:

Thoroughness: Excellent | Good | Average | Below Average | Not Applicable

Comments:

Attention to Detail: Excellent | Good | Average | Below Average | Not Applicable

Comments:

SUBSTANTIVE LEGAL SKILLS: COURT APPEARANCES

Demeanor: Excellent | Good | Average | Below Average | Not Applicable

Comments:

Critical Thinking/Problem Solving: Excellent | Good | Average | Below Average | Not Applicable

Comments:

Assertiveness: Excellent | Good | Average | Below Average | Not Applicable

Comments:

SUBSTANTIVE LEGAL SKILLS: CLIENT AND THIRD PARTY INTERACTIONS

Interviewing: Excellent | Good | Average | Below Average | Not Applicable

Comments:

Client Counseling: Excellent | Good | Average | Below Average | Not Applicable

Comments:

Demeanor: Excellent | Good | Average | Below Average | Not Applicable

Comments:

Critical Thinking/Problem Solving: Excellent | Good | Average | Below Average | Not Applicable

Comments:

Please identify the ways in which the student extern's performance benefited your organization.

What development(s) have you observed in the student extern's skills, knowledge, or personal and/or professional performance?

What do you consider to be the student extern's strengths?

What areas can the student extern work to improve?

Overall, how would you rate your experience with this student extern?

EXTERNSHIP PROGRAM

Overall, how would you rate your experience with the University of South Dakota Knudson School of Law Externship Program?

Excellent | Good | Average | Below Average

What suggestions do you have to improve the University of South Dakota Knudson School of Law Externship Program?

Supervising Attorney

Date