Experiential Learning Program Handbook

Revised October 2018
Greetings!

On behalf of Wake Forest University School of Law, I would like to thank you for your participation in our Experiential Learning Program. The Program—and indeed legal education itself—depends on the engagement and involvement of the bench and the bar. The School of Law strives to produce the most talented attorneys in North Carolina and sees hands-on experience as a vital part of this goal.

The following information is included with this letter, which offers a comprehensive overview of the program:

- Student and host guidelines
- Expectations for the Externship
- Program dates/academic calendar
- Educational objectives
- Syllabus and schedule for the classroom component

If, in your review the above documents, you have any questions or concerns, feel free to contact me.

Both I and Wake Forest School of Law appreciate your involvement in the Program. Your work with students makes you an integral part of the educational process and serves to direct them as they enter our profession. You are not only a teacher but a mentor. As such, you become the students’ guide to the values, ethics and realities of the practice of law. This association can be beneficial for you and the student; but we want you to know that by accepting a student, you are performing a service for the law school, the profession, and the bar. In an era where training times are truncated and expectations are high, your willingness to make yourself and your office available allows for better legal education and, ultimately, better attorneys.

Sincerely,

Steven M. Virgil
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Executive Director, Clinical & Experiential Programs
Director, Community Law & Business Clinic
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Host and Student Obligations and Guidelines

The purpose of the Experiential Learning Program is to provide participating students with the educational benefit of experiencing the practice of law from inside an operating law office. This document sets forth expectations and guidelines for both students and host offices, in order to clarify expectations and maximize the value of the program.

I. Placement Information
   a. Student information
      Name ________________________________
      Year ________________________________
      Address ________________________________
      Email ________________________________
      Phone ________________________________

   b. Primary host organization contact
      Name ________________________________
      Office address ________________________________
      Email ________________________________
      Phone ________________________________

c. Secondary host organization contact
   Name ________________________________
   Office address ________________________________
   Email ________________________________
   Phone ________________________________

d. Responsible faculty member
   Name ________________________________
   Office address ________________________________
   Email ________________________________
   Phone ________________________________

e. Program dates
   From _____/_____/_____ to _____/_____/_____
II. **Program Overview**
Each student participating in the Experiential Learning Program receives academic credit towards a JD, LLM, or MSL degree. The Program focuses its efforts on placing students in real-world legal environments that further the students’ understanding of the complex and varied nature of legal work.

Weekly class meetings run concurrently with the host office experience. During these sessions, Wake Forest professors and practitioners cover skills and doctrinal law most relevant to students’ placements, which are listed in the handbook and syllabus. Students also meet periodically with the Program Director, one-on-one, to address procedural or substantive issues unique to each student’s placement.

III. **Professional and Ethical Obligations**
Before the placement begins, each student must become familiar with the professional, ethical and academic obligations owed to the host organization, the University, and the profession. This includes obligations related to client confidentiality. Students are bound by the NC Rules Governing the Practical Training of Law Students, the NC Rules of Professional Conduct and the Wake Forest University School of Law Honor Code. The host organization should also be familiar with these rules and their constraints on student activities.

IV. **Student Selection**
Students are assigned to each organization by the Externship/Clinic Director or Faculty Supervisor. Each student’s prior coursework, an organization’s area(s) of practice, and overall fit are all taken into account when making placement decisions. Host organizations will have a chance to review each extern’s resume and meet with the extern prior to finalizing the placement.

V. **Student Obligations**
Students, as part of their participation in the Program, must:

(a) Work in the offices of the host organization during the program dates for no less than 24 business days.
(b) Set concrete learning goals for the program with the Director and supervising attorney.
(c) Keep a record of hours worked.
(d) Meet the supervisor’s, host organization’s and University’s standards with respect to substantive assignments, ethics, and professional standards.
(e) Be familiar with and follow the host organization’s policies.
(f) Read, understand, and abide by the NC Bar Rules Governing the Practical Training of Law Students, the School of Law’s Honor Code, and the NC Rules of Professional Conduct.
(g) Perform all work assigned by the host organization.
VI. **Host Organization Obligations**
The host organization shall:

(a) Follow ABA Standard 304—Simulation Courses, Law Clinics, and Field Placements. Students may not be compensated during the placement period. (See Standard 304 in Appendix A.)

(b) Provide exposure to and assignments involving substantive legal work, substantially similar in scope and rigor to that assigned to first-year attorneys.

(c) Provide guidance and clear deadlines for assignments.

(d) Provide necessary resources for the student to complete assignments, including adequate direction regarding the assignment, access to internal materials and examples, documents, or guidelines on substantive law whenever appropriate, as well as adequate workspace.

(e) Provide an orientation program or meeting to discuss the host organization’s office procedures and professional and ethical rules.

(f) Assign student a supervising attorney to provide direction, mentoring, and feedback to the student and be available to meet with the student at least twice a week.

(g) Meet with the Experiential Learning Program Director to discuss and clarify issues related to the program.

(h) Provide periodic feedback to the student and Experiential Learning Program Director, as well as a written evaluation of the student at the end of the placement.

VII. **Law School and Faculty Obligations**
The Law School and Faculty shall:

(a) Provide students with academic credit for relevant coursework, including ethics and professionalism topics.

(b) Provide the site supervisor with the Wake Forest School of Law’s Faculty Field Placement Guide

(c) Provide students with an appropriate orientation to the placement and practice area(s) before the student begins.

(d) Provide the student with access to appropriate research materials, including WestLaw, Lexis, and the Wake Forest Law Library.

(e) Be available to confer with students regarding the placement.

VIII. **Communication Between the Law School and Host Organization**
Site supervisor should direct any questions, comments, or concerns to the responsible faculty member. If the site supervisor does not receive a response within a reasonable period of time, he should contact the director of the Experiential Learning Program. The site supervisor at the host organization shall be the primary contact for the faculty. In the
event the site supervisor cannot be reached, a secondary contact whose information is listed in this document should be contacted.

IX. **Student Work**
Students understand that the placement is considered an unpaid internship by the U.S. Department of Labor’s Wage and Hours Division in accordance with the criteria detailed in Fact Sheet #71 (“FS 71”). All students know they are considered “trainees” rather than an “employees,” and they acknowledge the purpose of the Program is for their educational benefit. They also understand that all work done must meet the criteria detailed in the “Test for Unpaid Interns” portion of FS 71. As an unpaid intern, the Student is exempt from the minimum wage requirement under the Federal Labor Standards Act and does not expect to be compensated in any way for work done with the Host Organization. (FS 71 can be found in Appendix B of this handbook.)

X. **Student Evaluation**
Students will be evaluated based on the grading structure contained in this handbook. As part of this process, hosts are asked to complete the Student Evaluation Form at the conclusion of the placement.
Best Practices for Field Supervisors

I. Structuring the Student’s Experience
   A. Prepare for your student’s arrival. Before the student’s arrival, think about the projects you will assign to the student. In some cases, students arrive to find they are without an assigned desk or workspace, computer, password access, telephone access, office keys or entry codes, and other administrative necessities.
   B. Provide an orientation.
   C. Professional Responsibility. Wake Forest provides law students with introductory education of professional responsibility and ethics; however, you may want to expand on what the student has learned and familiarize him or her with your organization’s specific policies concerning confidentiality, ethics, and attorney-client privilege.
   D. Create opportunities to observe legal practice.

II. Assignments
   A. Provide clarity in assignments.
   B. Assignments should be substantive, relevant legal tasks that would normally be completed by an attorney.

III. Provide Feedback
   A. Offer constructive criticism.
   B. Provide feedback early in the process.
   C. Establish a regular schedule.
   D. Be specific.

IV. Closing Out the Externship
   A. Final Assignments. Consider whether new assignments can be completed in the amount of time the student has remaining so that you can both feel satisfied that your expectations were met.
   B. Exit expectations.
   C. Final Meeting

V. Pitfalls: Things to Avoid
   A. Lack of clarity in assignments.
   B. Lack of constructive feedback.
   C. Lack of variety in assignments.
   D. Failure to allow extern to see you in action.
   E. Lack of legal supervision.
   F. Assignment of non-substantive work.
   G. Unrealistic expectations based upon a law student’s time and training.
## Academic Calendar

### May

<table>
<thead>
<tr>
<th>Date</th>
<th>Day</th>
<th>Event</th>
</tr>
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<tbody>
<tr>
<td>May 11</td>
<td>Friday</td>
<td>Spring 2018 Semester Ends</td>
</tr>
<tr>
<td>May 22</td>
<td>Tuesday</td>
<td>Summer Session I Begins Various Locations</td>
</tr>
<tr>
<td>May 22</td>
<td>Tuesday, 9:00 a.m.–11:00 a.m.</td>
<td>Half-Day Program Orientation via WebEx</td>
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<td>May 23</td>
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<td>May 30</td>
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<tr>
<td>June 6</td>
<td></td>
<td>Class Lectures WebEx</td>
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<td>June 13</td>
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<tr>
<td>June 20</td>
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<tr>
<td>June 22</td>
<td>Friday</td>
<td>Summer Session I Ends</td>
</tr>
<tr>
<td>July 3</td>
<td>Tuesday</td>
<td>Summer Session II Begins</td>
</tr>
<tr>
<td>August 3</td>
<td>Friday</td>
<td>Summer Session II Ends</td>
</tr>
<tr>
<td>August 20</td>
<td>Monday</td>
<td>Fall 2018 Classes Begin</td>
</tr>
</tbody>
</table>
Academic Objectives

This academic and experiential program affords students the opportunity to gain insight into legal theory and its application and practice in quick succession. Both discrete learning objectives and core competencies should be emphasized throughout the program. A dual focus challenges students and hosts alike to connect law school and law practice in a meaningful and constructive way.

Educational Objective

I. Research Ability
The student should be able to efficiently and effectively research a legal issue by drawing upon pertinent resources and using time management skills to garner the best result at a reasonable cost to the client. The supervisor should be able to trust the student’s research and not feel compelled to do additional research on the subject. The student should pay attention to the most current sources and focus on mandatory authority rather than persuasive where applicable. The student’s research should be focused and on point.

II. Legal Analysis
The student should be able to look at a problem and identify each legal issue. Ideally, the student will not only research issues that the supervisor has identified, but identify legal issues on their own. The student should focus on the most important legal issues and address lesser issues only as time permits. When applicable, s/he should identify possible as well as realistic outcomes and be familiar with how to plan a case strategy.

III. Intellectual Capacity
The student should be able to understand and explain an issue and apply this knowledge to the case facts. The student should offer meaningful input to discussions and meetings, and add valuable input to the legal issue or case.

IV. Writing Skill
The student’s writing should accurately and succinctly analyze the issue assigned. S/he should be able to appropriately synthesize case law and other research and provide correct citations to resources used. Memoranda should thoroughly and fully explain the legal issue(s). The student should also be able to write a variety of written assignments such as letters, memoranda, briefs, motions etc. using the proper format.

V. Clarity of Oral Expression
The student should be able to recall and clearly explain legal issues when asked and applicable case law, standards and/or analysis and how it relates to the case.

VI. Judgment
The student should be able to identify applicable legal issues in order of importance. The student’s research, analysis and case planning should reflect the most probable path the case will take.
VII. Responsibility
The student is expected to report to work on time and work the required number of hours per week. The student should be dressed professionally (or appropriately for the office). S/he is expected to attend all required meetings, hearings, trials etc.

VIII. Client Relations
This objective is applicable to student clinicians who work directly with clients. The student is expected to act professionally and appropriately around clients, whether by phone or in person. The student should have regular communications with clients and return phone calls or emails within a reasonable amount of time.

Core Competency Objectives

I. Problem solving/analytical and strategic thinking
   a. Effectively approaches problem solving.
   b. Considers alternatives.

II. Written and oral communication
   a. Writing is clear and concise and demonstrates understanding of the issues.
   b. Writing reflects attention to detail and accuracy.
   c. Tone is appropriate.

III. Oral communication
   a. Makes clear and concise oral presentations in both formal and informal settings.
   b. Communicates complex issues clearly and concisely.
   c. Participates appropriately in internal legal discussions and debates.

IV. Initiative
   a. Takes ownership of tasks and assignments.
   b. Actively seeks out responsibility.
   c. Seeks out and effectively implements feedback
   d. Is self-motivated to broaden knowledge of legal and related business issues (e.g., reads industry and legal publications, attends trainings, asks questions).

V. Teamwork/collaboration
   a. Is flexible in addressing workload issues.
   b. Treats colleagues with respect.
   c. Is a colleague, not a competitor.

VI. Judgment
   a. Knows limits.
b. Applies good judgment in determining when and how to follow up with others.
c. Understands appropriate business conduct in a variety of situations.

VII. Client focus and business development
   a. Has network-building skills.
   b. Works effectively with clients.

VIII. Commitment/dedication to practice of law and to firm/organization
   a. Offers to help without being asked.
   b. Is an effective member of firm community.

IX. Positive attitude
   a. Possesses self-confidence.
   b. Inspires confidence.
   c. Sets a positive tone.

X. Specific skills
   a. Litigation (interviews, discovery, depositions, motion practice, trial practice, etc.).
   b. Transactional (closing, document management and familiarity, commercial entity and transaction understanding, contract drafting, memos, research, etc.).
Grading and Credit

Students earn credits for their participation in the Experiential Learning Program. They are expected to work a minimum of 35-40 hours per week during the Program. Grades are determined by weighing three elements:

20%  **Class Participation and Preparation**  
Students are required to attend a weekly class with a Wake Forest faculty member. The class will discuss law and information relevant to the program placement as well as their individual experiences. Students are expected to read assignments provided by the faculty member before class and actively participate in class discussions.

40%  **Quality of Work Product**  
Students are required to submit redacted copies of all work product, which will be evaluated for completeness, accuracy, relevancy, and professionalism.

40%  **Supervisor Assessment**  
Supervisors are required to provide a written assessment of the student at the end of the program. The assessment should discuss the student’s strengths and weaknesses and whether the student met, failed to meet, or exceeded the placement organization’s expectations. The assessment should touch on the quality of the student’s work product, professionalism, collegiality, and other qualities.
Experiential Learning Program

Student Evaluation Form

______________________
(Year)

STUDENT INFORMATION

Name of Student: __________________________________________________________

ORGANIZATION INFORMATION

Name of Placement Office: __________________________________________________

Name of Supervising Attorney: _____________________________________________

Office Address:

____________________________________________________
Street Address

____________________________________________________
City State Zip

Phone: (______) _______-___________

POSITION DETAILS

Date work began: _____/_____/______ Date work ended: _____/_____/______

Approximate number of hours per week student worked: _____________________

Would you mentor/supervise another Wake Forest externship or clinic student? YES NO
(If no, why not?):

EVALUATION QUESTIONS

Please comment on the student’s performance in the boxes provided on the next page.
Scale for Assessment of Student Performance

1 Poor - Weak performance. Prompt attention needed to plan for improvement. Weak performance may be related to such things as insufficient output, inconsistent performance, inadequate research and analysis, carelessness and inaccuracies, insufficient preparation for tasks, weak organization, and case management.

2–3 Fair - Minimally adequate performance: meets minimum standards of quality and quantity; usually meets deadlines; performs basic tasks adequately; understands the need to act with purpose and design and can do so with supervision; follows instructions, but requires close supervision and multiple corrections.

4–6 Proficient - Satisfactory to good performance: consistently meets and sometimes exceeds minimum standards; works efficiently; exhibits good organization and case management skills; acts with reasonable purpose and design; seeks out and uses supervision effectively by clarifying task expectations, reporting problems, and proposing solutions.

7–9 Excellent – Very good to excellent work: routinely exceeds minimum quantity and quality expectations; anticipates and meets deadlines; exhibits good command of relevant law; requires close supervision only on new or complex matters; works independently on familiar tasks; learns effectively from colleagues; seeks opportunities to learn and improve.

10 Exceptional - Very unusual talent and performance: outstanding strategic judgment and planning, solid performance of lawyer tasks and skills at the level of a first- or second-year attorney. Contributes to the overall efficiency of the office and team.

SUMMARY OF STUDENT’S DEVELOPMENT AND PROGRESS

Legal Analysis and Research:
Is able to identify key legal and factual issues:

□ 1  □ 2  □ 3  □ 4  □ 5  □ 6  □ 7  □ 8  □ 9  □ 10  □ N/A

Is able to locate relevant statutes, case law, regulations, and other relevant research materials:

□ 1  □ 2  □ 3  □ 4  □ 5  □ 6  □ 7  □ 8  □ 9  □ 10  □ N/A

Produces clear, succinct written summaries of research:

□ 1  □ 2  □ 3  □ 4  □ 5  □ 6  □ 7  □ 8  □ 9  □ 10  □ N/A

Comments:
**Judgment and Problem-Solving Skills**
Thinks creatively about each case or project:

- □ 1 □ 2 □ 3 □ 4 □ 5 □ 6 □ 7 □ 8 □ 9 □ 10 □ N/A

Knows how and when to ask questions or seek additional consultation:

- □ 1 □ 2 □ 3 □ 4 □ 5 □ 6 □ 7 □ 8 □ 9 □ 10 □ N/A

Exercises good common sense:

- □ 1 □ 2 □ 3 □ 4 □ 5 □ 6 □ 7 □ 8 □ 9 □ 10 □ N/A

Comments:

**Writing and Drafting Skills**
Writes clearly, precisely, and persuasively:

- □ 1 □ 2 □ 3 □ 4 □ 5 □ 6 □ 7 □ 8 □ 9 □ 10 □ N/A

Drafts well-organized, well-researched written assignments:

- □ 1 □ 2 □ 3 □ 4 □ 5 □ 6 □ 7 □ 8 □ 9 □ 10 □ N/A

Comments:

**Professional Practices**
Identifies and resolves ethical issues/concerns:

- □ 1 □ 2 □ 3 □ 4 □ 5 □ 6 □ 7 □ 8 □ 9 □ 10 □ N/A

Is dependable and conscientious about work:

- □ 1 □ 2 □ 3 □ 4 □ 5 □ 6 □ 7 □ 8 □ 9 □ 10 □ N/A

Takes appropriate initiative:

- □ 1 □ 2 □ 3 □ 4 □ 5 □ 6 □ 7 □ 8 □ 9 □ 10 □ N/A

Accepts constructive criticism and modifies work habits appropriately:

- □ 1 □ 2 □ 3 □ 4 □ 5 □ 6 □ 7 □ 8 □ 9 □ 10 □ N/A

Comments:
Case and Time Management
Uses mentor/supervisor’s time effectively:

☐ 1  ☐ 2  ☐ 3  ☐ 4  ☐ 5  ☐ 6  ☐ 7  ☐ 8  ☐ 9  ☐ 10  ☐ N/A

Anticipates and meets deadlines:

☐ 1  ☐ 2  ☐ 3  ☐ 4  ☐ 5  ☐ 6  ☐ 7  ☐ 8  ☐ 9  ☐ 10  ☐ N/A

Please summarize projects/cases and types of assignments that student worked on or completed during the program:

Please reflect on your mentor/supervisor relationship with the Wake Law student. What did you learn from the mentor/supervisor experience? What surprised you?

What might you handle differently with a student in the future?

Additional comments:

SUPERVISOR

Supervisor Name: ____________________________  Title: ____________________________

Phone Number: (____) _____-_________  Email: ________________________________

I certify that, under my supervision ______________________ has satisfactorily completed his/her program placement work.

________________________________________  _____________________________
Supervisor Signature  Date
Wake Forest Law Diversity and Non-Discrimination Statement

Wake Forest University School of Law Statement of Principle on Diversity

Diversity, inclusion, equity, and justice are essential to the excellence of the Wake Forest University School of Law. We recognize that the pursuit of this excellence requires thoughtful, deliberate, and sustained action and that this effort is critical to our educational mission, as reflected in our community, culture, and curriculum. Our community shares a tradition that embraces freedom and integrity, acknowledges the worth of the individual, and promotes a democratic spirit arising from open-mindedness and discourse. We seek to give life to the University motto Pro Humanitate, as our members translate a passion for knowledge into compassionate service.

Classrooms filled with a mosaic of personalities, experiences, and outlooks contribute to valuable dialogue in our increasingly multicultural world. We value diversity in all of its dimensions, including ethnicity, gender, gender identity and expression, sexual orientation, learning abilities, physical abilities, race, religion, socio-economic status, veteran status, and viewpoint. We seek to reflect these multiple perspectives, backgrounds, and interests in all facets of our community with respectful dialogue, diversity, and inclusion.

We strive to be an inclusive community in which each individual is safe, respected, and valued. In building a community that values similarities and differences among its constituents, we seek to embody in our actions and in our relations with one another the principles of equity and justice as well as the values of honesty, respect, compassion, responsibility, and fairness. We are proud of the close-knit community we endeavor to create and of our pursuit of Pro Humanitate.

Wake Forest University’s Non-Discrimination Statement

Wake Forest University is committed to diversity, inclusion, and the spirit of Pro Humanitate. In adherence with applicable laws and as provided by University policies, the University prohibits discrimination in its employment practices and its educational programs and activities on the basis of race, color, religion, national origin, sex, age, sexual orientation, gender identity and expression, genetic information, disability and veteran status. Additionally, the University promotes the full realization of equal employment opportunity for women, minorities, persons with disabilities, and veterans through its affirmative action program.

To file inquiries about the non-discrimination statement, go to: http://about.law.wfu.edu/consumerinformation/non-discrimination-statement/

Bias Incident Reporting System

Wake Forest University has adopted a bias incident reporting system. According to Wake Forest’s website, a bias incident is an act or behavior motivated by the offender’s bias against facets of another's identity. Bias may be directed toward an individual or group. The expression of controversial ideas and differing views is a vital part of University discourse. While this value of openness protects controversial ideas, it does not protect harassment or expressions of bias or hate aimed at individuals that violate the Student Code of Conduct. If you have experienced or witnessed an incident of bias, you may fill out an anonymous (if you prefer) report at: https://cm.maxient.com/reportingform.php?WakeForestUniv&layout_id=9. The incident report will be forwarded to the appropriate administrator per the circumstances of the incident.
Supervisor Agreement

SECTION I: SUPERVISOR REQUIREMENTS

Wake Forest University School of Law awards academic credit to students who successfully complete a field placement. A field placement is defined by Standard 304(c) of the ABA Standards and Rules of Procedure for Approval of Law Schools (Appendix A).

In order to ensure that the field placement has significant learning value for students, the School requires that field supervisors agree to comply with the following supervision requirements:

I. At the beginning of the field placement, the supervising attorney and the student should meet and agree on the specific objectives of the externship. Throughout the semester, the supervisor and the student should assess if these objectives are being met and, if not, how best to achieve them.

II. Supervisors who telework or spend considerable time away from the office should identify another attorney for the student to report to or secure additional assignments from when the supervisor is out of the office.

III. Conflicts that arise between a student and supervising attorney should be brought to the immediate attention of the Executive Director of Experiential Learning.

IV. Students should be assigned to attorneys on a one-to-one basis to the fullest possible extent. Whenever possible, the student should be located at the same site as the supervising attorney. Supervising attorneys should not commit to supervision during semesters in which they will be traveling frequently if such travel will impede their ability to provide meaningful supervision.

V. Students should approximate working as lawyers to the maximum extent but always under the direct supervision of a lawyer. Students should be present whenever possible if there are meetings that relate to the substance of the assignments they have been given. Students should be actively encouraged to take on the most challenging work they can reasonably handle.

VI. Where possible, students should be involved in the preparation of final documents and/or presentations that will actually be submitted to a court, agency, client, the opposition, etc. Students should be given sufficient time to complete a project so that it can be submitted, after approval by a supervisor, as a final document.

VII. Students should not be asked to spend more than a minimal amount of time on menial tasks, unless it is work that would otherwise be completed by an attorney, e.g., filing, library updating, indexing, etc.
VIII. *If consistent with the practice of the office, activities such as going to court, attending hearings, meetings and depositions, and being present and assisting during meetings, etc. are all encouraged. To the extent possible, these activities should take place in connection with the student’s work assignments.*

IX. *An active and carefully considered supervision and feedback process between the supervising attorney and the student throughout the semester is encouraged.*

Supervision and feedback procedures should include the following:

A. When a matter is assigned to the student, the student and supervising attorney should discuss the objectives of the client and the organization, such as the relative importance of the matter to the organization, time constraints, and other expectations should be specified and should take into account both parties’ workloads.

B. While the student should be encouraged to work independently, the supervising attorney should make him or herself available throughout the project to answer the student’s questions and discuss the issues.

C. Whenever possible, the supervising attorney and the student should discuss:

   (1) alternative methods of handling the matter;
   (2) the relationship of the specific job to the larger substantive procedural or practical issues involved, e.g., a specific motion should be discussed within the context of motion practice in general; and,
   (3) any policy, career, professional, or ethical consideration relevant to the matter.

X. *The supervising attorney should provide the student with an assessment of his/her performance, including both strengths and areas for further development.* In meeting the School’s reporting requirements, the supervising attorney should review his/her report with the student and can use the report as an additional means of providing comprehensive feedback to the student.

*Note: Please consult the supervising faculty member regarding student malpractice insurance coverage.*
SECTION II: STUDENT & SUPERVISOR INFORMATION

Student’s Name: ________________________________________________________________

Start Date: _____/_____/______ End Date: _____/_____/______

Supervisor’s Name & Title: _______________________________________________________

Supervisor’s Phone Number: _______ - _______ - ____________

Supervisor’s Email Address: ____________________________@________________.______

Name of placement organization and address where student will perform his or her work:

____________________________________________________________________________

____________________________________________________________________________

____________________________________________________________________________

Is this the same location as the Supervisor’s office? _________________
SECTION III: AGREEMENT

I have read and agree to comply with these supervision requirements. Furthermore, I agree to abide by the rules of professional conduct of the state in which the student will work and the policies set forth in the Wake Forest University School of Law Experiential Learning Program Handbook. I understand that failure to comply with these supervision requirements could result in the above-named Wake Forest law student not receiving credit for his or her work, and could prevent Wake Forest law students from receiving credit for work with my agency or organization in the future. In addition to supervision, I agree to mentor and provide advice and practical, meaningful work opportunities to the student(s) under my supervision.

________________________________________
Signature

________________________________________
Date

________________________________________
Name (printed)

Thank you for participating in the Wake Forest University School of Law Experiential Learning Program. If you have any questions about this agreement, field placements, or the Experiential Learning Program, please contact:

Steven M. Virgil
Executive Director of Experiential Learning
virgils@wfu.edu
Tel: 336.758.4950
Appendix A

ABA Standard and Rules of Procedure for Approval of Law Schools 2017–2018
Chapter 3—Program of Legal Education

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

(a) A simulation course provides substantial experience not involving an actual client, that
    (1) 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, and (2) includes the following:
      (i) direct supervision of the student’s performance by the faculty member;
      (ii) opportunities for performance, feedback from a faculty member, and self-
           evaluation; and
      (iii) a classroom instructional component.

(b) A law clinic provides substantial lawyering experience that (1) involves advising or
    representing one or more actual clients or serving as a third-party neutral, and (2) includes the following:
      (i) direct supervision of the student’s performance by a faculty member;
      (ii) opportunities for performance, feedback from a faculty member, and self-
           evaluation; and
      (iii) a classroom instructional component.

(c) 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 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) direct supervision of the student’s performance by a faculty member or site
          supervisor;
      (ii) opportunities for performance, feedback from either a faculty member or a site
          supervisor, and self-evaluation;
      (iii) 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;
      (iv) 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;

(v) a classroom instructional component, regularly scheduled tutorials, or other means of ongoing, contemporaneous, faculty-guided reflection; and

(vi) evaluation of each student’s educational achievement by a faculty member; and

(vii) 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(c)(iii).

(d) 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.

(e) 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**

To qualify as an experiential course under Standard 303, a simulation, law clinic, or field placement must also comply with the requirements set out in Standard 303(a)(3).

**Standard 305. Other Academic Study**

(a) A law school may grant credit toward the J.D. degree for courses that involve student participation in studies or activities in a format that does not involve attendance at regularly scheduled class sessions, including, but not limited to, moot court, law review, and directed research.

(b) Credit granted for such a course shall be commensurate with the time and effort required and the anticipated quality of the educational experience of the student.

(c) Each student’s educational achievement in such a course shall be evaluated by a faculty member.

**Interpretation 305-1**

To qualify as a writing experience under Standard 303, other academic study must also comply with the requirement set out in Standard 303(a)(2). To qualify as an experiential course under Standard 303, other academic study must also comply with the requirements set out in Standard 303(a)(3).
Appendix B

U.S. Department of Labor
Wage and Hour Division

Fact Sheet #71: Internship Programs Under the Fair Labor Standards Act

This fact sheet provides general information to help determine whether interns must be paid the minimum wage and overtime under the Fair Labor Standards Act for the services that they provide to “for-profit” private sector employers.

Background
The Fair Labor Standards Act (FLSA) defines the term “employ” very broadly as including to “suffer or permit to work.” Covered and non-exempt individuals who are “suffered or permitted” to work must be compensated under the law for the services they perform for an employer. Internships in the “for-profit” private sector will most often be viewed as employment, unless the test described below relating to trainees is met. Interns in the “for-profit” private sector who qualify as employees rather than trainees typically must be paid at least the minimum wage and overtime compensation for hours worked over forty in a workweek.*

The Test For Unpaid Interns
There are some circumstances under which individuals who participate in “for-profit” private sector internships or training programs may do so without compensation. The Supreme Court has held that the term "suffer or permit to work" cannot be interpreted so as to make a person whose work serves only his or her own interest an employee of another who provides aid or instruction. This may apply to interns who receive training for their own educational benefit if the training meets certain criteria. The determination of whether an internship or training program meets this exclusion depends upon all of the facts and circumstances of each such program.

The following six criteria must be applied when making this determination:

1. The internship, even though it includes actual operation of the facilities of the employer, is similar to training which would be given in an educational environment;
2. The internship experience is for the benefit of the intern;
3. The intern does not displace regular employees, but works under close supervision of existing staff;
4. The employer that provides the training derives no immediate advantage from the activities of the intern; and on occasion its operations may actually be impeded;
5. The intern is not necessarily entitled to a job at the conclusion of the internship; and
6. The employer and the intern understand that the intern is not entitled to wages for the time spent in the internship.
If all of the factors listed above are met, an employment relationship does not exist under the FLSA, and the Act’s minimum wage and overtime provisions do not apply to the intern. This exclusion from the definition of employment is necessarily quite narrow because the FLSA’s definition of “employ” is very broad. Some of the most commonly discussed factors for “for-profit” private sector internship programs are considered below.

**Similar To An Education Environment And The Primary Beneficiary Of The Activity**

In general, the more an internship program is structured around a classroom or academic experience as opposed to the employer’s actual operations, the more likely the internship will be viewed as an extension of the individual’s educational experience (this often occurs where a college or university exercises oversight over the internship program and provides educational credit). The more the internship provides the individual with skills that can be used in multiple employment settings, as opposed to skills particular to one employer’s operation, the more likely the intern would be viewed as receiving training. Under these circumstances the intern does not perform the routine work of the business on a regular and recurring basis, and the business is not dependent upon the work of the intern. On the other hand, if the interns are engaged in the operations of the employer or are performing productive work (for example, filing, performing other clerical work, or assisting customers), then the fact that they may be receiving some benefits in the form of a new skill or improved work habits will not exclude them from the FLSA’s minimum wage and overtime requirements because the employer benefits from the interns’ work.

**Displacement And Supervision Issues**

If an employer uses interns as substitutes for regular workers or to augment its existing workforce during specific time periods, these interns should be paid at least the minimum wage and overtime compensation for hours worked over forty in a workweek. If the employer would have hired additional employees or required existing staff to work additional hours had the interns not performed the work, then the interns will be viewed as employees and entitled compensation under the FLSA. Conversely, if the employer is providing job shadowing opportunities that allow an intern to learn certain functions under the close and constant supervision of regular employees, but the intern performs no or minimal work, the activity is more likely to be viewed as a bona fide education experience. On the other hand, if the intern receives the same level of supervision as the employer’s regular workforce, this would suggest an employment relationship, rather than training.

**Job Entitlement**

The internship should be of a fixed duration, established prior to the outset of the internship. Further, unpaid internships generally should not be used by the employer as a trial period for individuals seeking employment at the conclusion of the internship period. If an intern is placed with the employer for a trial period with the expectation that he or she will then be hired on a permanent basis, that individual generally would be considered an employee under the FLSA.

**Where to Obtain Additional Information**

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.
* The FLSA makes a special exception under certain circumstances for individuals who volunteer to perform services for a state or local government agency and for individuals who volunteer for humanitarian purposes for private non-profit food banks. WHD also recognizes an exception for individuals who volunteer their time, freely and without anticipation of compensation for religious, charitable, civic, or humanitarian purposes to non-profit organizations. Unpaid internships in the public sector and for non-profit charitable organizations, where the intern volunteers without expectation of compensation, are generally permissible. WHD is reviewing the need for additional guidance on internships in the public and non-profit sectors.
Appendix C
Quick Checklist for Externship Field Supervisors:
*Italicized items are best practices but not required

Before the externship/at the beginning of the externship:
- Set a start date with student
- Talk to student about office location, access, parking, and dress code prior to first day
- Find a place for the extern to work (they don’t have to have their own office, but a corner where they can keep their stuff is nice).
- Sign and return the MOU
- Review the Externship Handbook. *Pay special attention to the criteria by which you will be asked to evaluate the student at the end of the externship.*
- Let student know hours expected to work/office hours
- Discuss student goals (this will be an assignment for them—discussing their “goals memo”) and your goals/expectations with the student
- Inform student of all policies, procedures, methods and operations of your office (office orientation).
- *Come up with several projects you can assign to your extern for when there aren’t pressing items that you need their help on.*
- Review the Externship Class Syllabus so you know what they are focusing on each week.

During the externship:
- Be clear about expectations up-front for each assignment
- Provide feedback to student on their work.
- Provide students with substantive legal work.
- Coordinate with Externship Director for “site visit.”
- *Introduce your extern to other members of the legal community who could help them in their future career.*
- Take your extern to a meeting or bar event.

Wrapping up the externship/after the externship
- Review the extern’s work portfolio to make sure you are okay with the documents they are turning in and that client confidences are kept.
- Fill out and return the evaluation (Due Date: June 25)
- *Follow up occasionally with your extern to see how they are doing.*
- *Sign up to have an extern next semester or summer*