# Getting Help While Giving Back
# How to start and successfully utilize a law school intern program

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## Presentation Outline and Details

Why Work with Law Students?

- Investment Up Front with Big Payout Later
  - According to the Court's Financial Unit, you may claim student work as part of your panel attorney voucher, however, you do not have to submit a student's work on your voucher, which would lower the amount you are requesting from the court. This is a way to keep your vouchers reasonable and still get legal research or records review completed for the case.
  - Students have taken courses such as constitutional law, criminal procedure, and evidence more recently than we have. They are often familiar with other areas of the law and have access to their school's library resources.
- Giving Back to the Legal Community
  - Students benefit from learning by doing. Through internships, they gain real-world experience and the opportunity to work with attorneys and see how they handle cases, client interactions, and ethical dilemmas.
  - Supervising attorneys have an opportunity to share their professionalism and values with a student. Some students have a skewed or unrealistic view of how criminal law works. Supervising attorneys can train a fledgling legal practitioner and help them to see the nuances of the court system.
  - Students also benefit from every aspect of the process- from the interview experience to working at a legal office. So even if you do not hire a student, taking the time to interview them is still helpful.
- Students Are Motivated to Help
  - Many schools are now focusing their efforts on bar passage rather than practical experience. Unlike medical students, new lawyers have no residency period prior entering the profession, so students are now trying to gain as much experience as they can while they are still in school. With good supervision, this is safe way for them to use their new legal skills with real cases and clients.
  - Students may want to try on various lawyer hats to figure out where in the practice they will want to specialize. Do not be surprised or put off by students applying who have previously worked in prosecutor offices or with civil law firms doing transactional work.
  - It is a tough job market. Many law students do not have a job lined up prior to graduation. They know the best way to find future employment is through networking, and an externship or internship is a great way for them to meet practitioners. They also know that if they do a good job, you are more likely to help them by serving as a reference or recommending them for other positions.

Interns vs. Externs- What's the Difference?

- Interns-
  - Generally, these are students who may be paid or unpaid but are not receiving school credit for their work with a law office.
  - According to the ABA, private, for-profit firms may hire law students to work as unpaid interns so long as they are working on pro bono matters. (Per U.S. Labor Department as of 2013). CJA panel work qualifies.
  - If students are on the payroll, firms may bill hours the law students devote to a case. However, students may not directly bill or receive payments from clients.
- Externs-
  - Generally, these students are working at a law office while receiving school credit for their work. While students who work with an office during the school year will likely be getting school credit for their time, it is possible to have them work as externs during the summer. Supervisors must comply with the school's requirements, including providing feedback that the school will use in determining whether the student should receive credit for their work with your office.
  - Students receiving externship credit may not receive financial compensation. In fact, the student pays to work at the externship as the credits are part of tuition.
  - Most students choose to extern during the school year, although schools do allow students earn course credit as part of a summer school program. The hours they work for credit is limited by the law school, and most schools will cap how many externships can have during their schooling.
  - NOTE: While the ABA now allows law school externship programs to provide course credit to students working at private law offices, so long as all the work they do is pro bono, many schools still do not allow for this. That said, I recommend speaking with the school's externship director if you believe you have enough panel-related work to justify giving a student course credit for an externship, as they may make an exception.
- Although there is a difference in the way students might be eligible for compensation or course credit, ultimately, it should not alter the type of work they receive from their employers. It is a mistake to treat interns and externs differently simply because the former receives monetary compensation. Schools make it clear that externs should not be given busy work. They require meaningful assignments.

Recruiting Basics

- Posting a Position
  - Look for the Employer pages on Law School Career Center webpages (websites are linked in the Resources handout).
  - Most schools use Symplicity to post jobs, although others have been using tools such as FloRecruit. Symplicity requires you set up an account and create a profile (which can include a point person, your logo, and your firm's website). Each school's Symplicity and recruiting setup is different, so don't hesitate to contact the staff at the school's career center with questions.

- Schools may charge a fee to post a job, which is often waived for government agencies and nonprofit organizations.

- When to Recruit
  - Generally, there are recruiting seasons in the fall (for the spring semester), the spring (for the fall semester), and end of summer into fall (for the following year's summer programs). I recommend posting positions a month or two into a semester for the next semester's externs.
  - For summer positions, private firms often hire as early as June or July of the prior summer. However, public interest-minded students typically do not apply for positions until August or later in the fall.
- Job Postings
  - Tools such as Symplicity and FloRecruit have space for you to include specifics about your office, the position, and what you need from applicants.
  - Application materials- Resume, cover letter, and recent unofficial transcript are the most common. If you have time to review more materials, you can also ask for a writing sample, list of references, or reference letters. Those can be requested in lieu of a second interview.
  - Year in law school- Generally, if you want students who can hit the ground running with research and writing as well as oral advocacy, you will want a spring semester 2L or a 3L. Most schools do not allow their 1L students to begin applying for summer positions until the second semester of their first year. And they do not open externship class opportunities to students prior to their second years. But, whether you request a 2L or 3L is up to you. Typically, 3Ls have more experience and capacity to take on more complex assignments.
  - Number of hours expected-
    - For students and employers to get the maximum benefit of their work, summers should be full-time positions (40 hours a week).
    - Semester externships are different, as it depends on the number of credit hours the school is willing to give a student for an externship. Some schools limit students to working no more than an average of 8-12 hours per week. Others allow for externships ranging between 8-16 hours per week or as much as 12-20 hours per week.
    - If you have a student who wants an unpaid internship (so no course credit) with you while taking classes during the school year, make sure they have time in their schedule to devote to your office and have them set a work schedule that conforms with the hours you have agreed they work. It is easy for a student to become overwhelmed and find themselves unable to complete work at an internship while juggling a full-time courseload.
  - Splitting Summers- Whether to allow a student to split their summer depends on your office's needs and your willingness to have a student only work for about 6 weeks. These are usually requested by rising 2L students. Rising 3Ls typically work a full summer- 12-14 weeks.
- Interviews

  NOTE: OCI used to be solely in-person interviews, but especially after the Covid-19 shutdown, it can be conducted at the school or conducted remotely. Today, OCI

essentially refers to student interviews scheduled by law schools for employers and takes place in the fall or spring semesters

- In-person OCI takes place at the law school during one of the scheduled OCI events in the spring or fall. Note this may limit the amount of time you get to meet with students, with most options ranging between 15-60 minutes.
- Most law schools will allow you to use their meeting software to interview their students if you opt for a virtual OCI schedule. Schools in our area have been using FloRecruit to host these meetings. The school's career services center will send you an email with a link to the video conferencing website and will schedule interviews for you with similar interview time limits to in-person. There may be only certain weeks offered for virtual or in-person meetings, so schedule early.

- Resume Collection- Allows you to schedule your own interviews with students. Either through Symplicity or the school's job posting/email list, you can post a job and have students send their resumes directly to you. Contact the school for their process.
  - In person interviews take place in the recruiting attorney's office and provide an opportunity for students to see the workplace while being interviewed for the position.
  - Remote interviews are conducted using your own meeting software. Most students are familiar with Zoom but can also easily navigate meetings on Teams, Google Meet, GoTo Meeting and the like.

What to Provide Your Students

- Workstation-
  - A desk or other workspace assigned to each student. Make sure the space is conducive to working on legal matters. If possible, make sure students are not isolated but have access to other interns and supervisors.
  - If your students are expected to save work on your office network, provide them with a device and credentials to allow them to access electronic files and show them where to save their work.
  - If you permit remote or hybrid work, make sure students have a secure and confidential way to send emails and upload work they can do from home.
- Schedule- For both the student and the supervisors.
  - Agree on the number of hours the student will work and when they plan to work. Have them treat it like a job with your office.
  - Students do best when they know what to expect, and that includes knowing when their supervisors will be available. It is helpful to send them an email at the start of the day with your schedule and availability to meet.
- Written Assignments-
  - Assignment should be appropriate for the student. Don't let a student's year in law school be the determining factor for the assignment they receive. Check their resumes- some already have legal experience that will allow them to work on more complicated assignments. You can also gauge their capacity for work by starting with basic assignments like research memos before assigning matters like motions or trial team work.

    - Examples include research memos for all aspects of your cases (pretrial, trial, sentencing, etc.), and general research that adds to the institutional knowledge of your office (e.g., primers on topics like career offender or entrapment defenses).
    - Inappropriate assignments include busy work (work that does not have relevancy or will not be utilized in any of your cases), running errands for attorneys, trying to decipher handwriting in a letter, taking dictation, preparing travel vouchers or CJA vouchers, etc. If it is typically handled by an administrative assistant, do not give it to a student.
    - Feeback. Review all student work carefully. Even if the work was perfect and you did not make any changes, you need to respond.
    - Try to ensure they leave the internship with a writing sample or work product that you can mention in a reference letter.
- Mentoring - Whether paid or unpaid, students need help in developing legal skills, setting career goals, and learning about professionalism.
    - Have them shadow and observe attorneys.
    - Serve as a teacher - help students understand the legal process and how you manage your cases and time.
    - Explain what you are doing when you are with them. Guide them through various aspects of a court proceeding or how you handle drafting a brief.
    - For writing assignments, let them see an example of how it has been drafted before. It is always helpful to not have to reinvent the wheel.

Onboarding New Students

- Orientation
    - This should take place during their first day at your office.
    - Email them prior to their first day letting them know how to dress, where to park, what to bring, etc. Write out all relevant office info they need to know and provide it in an orientation handout. Go over the handout and expectations on their first day.
- Background Checks- Any background checks you would run on any new permanent employees should be run for students who work with your office; even for unpaid positions.
- General Office Policies/Do's and Don'ts
    - Dress Code- for court and in the office. Make sure they know the expectations.
    - Use of office resources- what are they allowed to access? Will they be expected to save things in certain folders on your network? Consider give them a tour of the office so they know where to find things like copiers and the break room.
    - Professionalism and conduct expectations- remind students that when they work for an office, they are representatives of that office.
        - Everything they do reflects upon their employer, even if they are unpaid.
        - Consider a policy on students using AI in their research, which given risks, you might err on the side of limiting AI use by students. They will not learn as much if they are relying on AI, and you run the risk of them finding AI-slop/hallucinations. Students should be instructed to cite check

everything and do manual research to identify original sources if they get an AI-generated response from a search engine.

- Sexual Harassment or Employee Dispute Policies- if your office has one, share this with your students. If not, you need to establish a process for students to report inappropriate interactions or difficulties with others in your office. This is as much to protect your office as it is to protect your students.
- Conflicts and Confidentiality
  - Although most students do not have much legal work experience, be sure to conduct a conflicts check as you would for any incoming employee.
  - Have students sign a confidentiality agreement so the student can work on client cases.
  - Explain what confidentiality means for working with your firm and clients.
  - Cybersecurity awareness- all firms should have some form of cybersecurity awareness training, and students should be asked to complete modules at the start of their work with an office.

Supervising Students- The Basics

- Generally- Students should not allowed to represent clients on their own. Moreover, they need to be carefully supervised when interacting with clients, family members of clients, and court personnel, including other counsel. This is where mentorship is helpful.
- Training and Mentorship (note: if working with Externs, check the school's externship program's supervisor handbook for any minimum requirements the school has set for its program).
  - Weekly Individual meetings- At least 1 meeting per week, per student for at least 30 minutes to check in on their assignments, see how you both are working toward meeting their goals for their extern/internship, and to discuss anything about the profession the student might find helpful.
  - Training Sessions- This can be in groups or one on one. Provide what they need to know to complete the tasks such as writing motions, understanding PSRs, or how hearings work in federal court.
- Student Practice- Requires certification by the NC Bar and application to practice in the EDNC
  - NC Bar- You can find the NC Student Practice rule here: https://www.ncbar.gov/for-lawyers/governing-rules-of-the-state-bar/0203-eligibility/ . In short, any student who meets these requirements, regardless of their year in school, can be certified to practice.
  - EDNC- EDNC Local Civil Rule of Practice and Procedure 83.2, "Student Practice," includes eligibility requirements at 83.2 (b). Subsection (2) indicates a student must "have completed at least three semesters of legal studies." https://www.nced.uscourts.gov/pdfs/Local%20Civil%20Rules%202023.pdf. Currently, only students who have completed 3 semesters of law school (2L spring and 3Ls) will be able to apply for EDNC certification.

Supervising Students: Avoiding the 3 Main Complaints

- Busy Work/Idle Time- Students should not be sitting around waiting for something to do. While students do need to take an active role in letting supervisors know when they need more work, we have a responsibility to ensure there is meaningful work for them to do.
- Lack of Response to Communication- Failure to communicate or respond to student communications is a major complaint. Be sure to respond to emails, check in with them regularly, provide feedback on their work. And tell them you expect the same courtesy.
- Isolation- While this will depend on your office layout and available space, make sure they are not working in an area completely separate from other staff/students.

Supervising Students: What Can They Do?

- Writing Assignments
  - Research assignments: researching discreet legal issues and questions, internet searches for BOP policies or U.S. Sentencing Commission reports, or even determining policies at local jails.
  - Motions- These can be pretrial or trial pleadings. Motions to dismiss, motions to suppress, motions in limine, etc.
  - Trial Support- researching jury instructions, helping craft voir dire questions, and reviewing and summarizing discovery. Encourage students to view the case as though they were the lead attorney.
  - Appellate Briefs- Most students learn about brief-writing their first year, so they can often assist with writing portions of briefs.
- Student Practice
  - Client Meetings- With supervision, students may interview clients for motions they are working on or explain their research findings to a client.
  - Duty Court- With student practice, we fully train students for duty court and require they observe court and shadow attorneys before they handle any part of a detention hearing. If they are not ready to handle a full hearing, is fine to limit their participation to questioning a third-party custodian or cross-examining the agent.
  - District Court- Students can also participate in District Court hearings. At our office, we reserve that for experienced students who have participated in written filings that led to the hearing. Just make sure that they are fully prepared for the hearing and be there with them, prepared to jump in if they need help during the process.
  - It is always advisable to remain at counsel table with students while they are practicing in court.

Student Practice Certification- State of North Carolina

- Just like attorneys who practice in federal court must first be licensed to practice by a state bar before they are admitted to practice in the federal district court, students must also first be admitted by the state before being admitted to practice by our federal courts.
- The onus to get certified is primarily on the student. They must be enrolled in school, obtain written approval from their school, ensure they are being supervised by a licensed attorney, have read the North Carolina Rules of Professional Conduct, and ensure they

are not being paid directly by a client (you may hire an intern and compensate them, but the rules are clear that the student cannot collect fees directly from a client).
- Unless their school chooses to submit multiple student applications on their behalf, the student is also responsible for submitting the three forms mentioned here. The supervising attorney can also do this, but I've found that it makes more sense for students to submit the forms, as we only fill out one of the three required forms. So, be sure to get your form to the student as quickly as possible.

NC Bar Supervising Attorney Statement Form
- This is the form supervising attorneys must fill out when agreeing to supervise students under the North Carolina Student Practice Rule.
- Note that you may include the names of multiple students, although the bar does have rules about a single attorney supervising students.
- Moreover, you must add the names of any attorneys in your office who might supervise students at your office.

Student Practice Certification: Eastern District of North Carolina
- The Eastern District has its own Student Practice Certification Requirements, which differ from the state rules in that students are required to have completed at least 3 years of legal study.
- Note that the district also has a requirement that the student be supervised by an attorney who also fulfills certain requirements.
- Be familiar with the requirements set forth at Local Rule 83.2(c) prior to asking the court to be a supervising attorney.
- In addition to the requirements in the rule, make sure that any student you supervise in court who is advocating on behalf of a client is thoroughly prepared.

EDNC Student Practice Forms
- Students are primarily responsible for filling out this form and they can be directed to the form on the EDNC website or provide it to them. The student fills out the first page. The supervisor's form is the second page. The top of the third page must be filled out by the school.
- For the second page, the supervising attorney must include their bar number as well as the date they were admitted to practice in the Eastern District (which may differ from the year they were licensed).
- Note that while they have provided a fillable form, it must be printed out and signed by the respective parties- the student, law school dean, and supervising attorney. Once these sections are complete (with wet signatures), the form is filed by hand with the Clerk's Office.
- Anyone can file this for the student- they do not have to file it themselves. Once the Clerk signs it, the form will be returned to your office.