

The Externship Experience: Teaching New Dogs New Tricks

By Captain Brian K. Carr, Washburn University School of Law

*It's not enough to be a smart law student or a smart lawyer. Law firms want lawyers who are not going to be a liability to the firm.*¹

— Former Florida Supreme Court Justice
Raoul G. Cantero III

For most new law students, January means dusting off their résumés and preparing cover letters to send to prospective summer employers. It is a time of making difficult choices, taking risks, and predicting outcomes for their summer opportunities. Unfortunately for most students, lucrative summer employment opportunities will not be an option this year.² However, the great variety of externships offered by area law schools can be just as palatable to the appetite of the ambitious law student,³ as well as to their future employers.

Nationwide, the American Bar Association, employers, educators, and students have been calling upon law schools to produce attorneys who are better-prepared upon graduation to practice law.⁴ One way in which our area law schools have responded to the demand for more skills training has been to develop externship programs.⁵

An externship provides an excellent opportunity for a student to participate in an unpaid legal position for academic credit, while typically working under the supervision of a licensed attorney. "Linking theory and practice, externships provide experience ... and *direct* exposure to a legal work setting."⁶ Law schools generally award externship credit for legal work performed at nonprofit organizations, government agencies, judicial offices, and in-house counsel at corporations, but not at private law firms.⁷

When hiring new attorneys, employers should consider externship experiences as valuable as paid internships. A recent law school graduate with externship experience provides the firm with an attorney who is already experienced in many core legal skills and without additional costs or liability. An externship opportunity encourages students to refine their legal skills and to diversify their breadth of knowledge in other areas of the law. For example, suppose that a law student accepts a judicial externship. Besides expanding the student's network, a student would be directly responsible to the judge and law

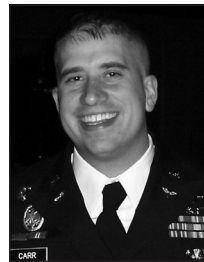
clerks for the legal analysis, research, and writing that is produced. The student's work arguably would have an immediate impact on litigants and, in some small part, help shape our bar today. This summer, I had the opportunity to work beside military and civilian attorneys at the Staff Judge Advocate Office at Fort Riley. As the country's oldest law firm, the U.S. Army's JAG Corps provided me unprecedented opportunities to enhance my legal research and writing skills, while exploring a wide range of legal issues.

In several ways, students may find that externships are actually superior to paid internships. For example, students can choose to reduce their academic course loads by accepting academic credit for their work. A load reduction allows a student to accept another externship opportunity or a paid internship, or to focus his or her skills, time, and resources on fewer classes or more law school programs. The student may also find that closer supervision by the attorneys in his or her workplace and the availability of additional support from his or her law school leads to an enhanced learning experience.

In conclusion, although many factors go into the decision to hire a new attorney, most law firms today are looking for new hires who can bring to the table not just academic achievement, but also varied experience, independence, professional judgment, and professional behavior.⁸ Law students who participate in externship programs develop the critical legal skills that employers want in new attorneys. The students receive a valuable education and it does not cost the law firm a single dollar. What a deal! ■

About the Author

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FOOTNOTES

1. Gary Blankenship, *Law Schools: Time to Get Practical?*, 36 FLA. BAR NEWS, Aug. 1, 2009, <http://www.floridabar.org/DIVCOM/JN/jnnews01.nsf/Articles/8CDB069589D3395E852575FB0067C45F>.

2. See generally Gerry Shih, *Downturn Dims Prospects Even at Top Law Schools*, N.Y. TIMES, Aug. 26, 2009, at B1.

3. According to Kelly Lynn Anders, Associate Dean for Student Affairs and Director of the Externship Program at Washburn University School of Law, "Students are doing everything they can to be competitive and you can't blame them. They want to work." Emily Heller, *The Recession Makes Externships a Sweeter Deal For Students*, NAT'L L. J., Sept. 7, 2009.

4. See Blankenship, *supra* note 1.

5. See University of Kansas School of Law Externship Program, at http://www.law.ku.edu/pdf/Externship_Program_Requirements.pdf; Washburn University School of Law Externship Program, at <http://washburnlaw.edu/curriculum/externship/>.

6. American Bar Association, Definitions of Terms Used, at http://www.abanet.org/legalservices/probono/lawschools/definitions.html#pi_externships (last updated Sept. 25, 2007) (emphasis added).

7. The American Bar Association (ABA) generally discourages externships at private law firms. Although the ABA permits students to work for pay in a legal internship with a private law firm, this paid experience can never qualify for academic credit, and thus is not an externship.

8. See Blankenship, *supra* note 1.