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I. Introduction

Hofstra Law’s Externship Programs provide students with the opportunity to gain hands-on experience working in a legal setting while receiving academic credit and direction by a faculty member at the Law School. During their placements, students will have the opportunity to engage in a wide range of lawyering skills under the direct supervision of experienced practitioners. The externship courses are part of the various experiential learning options that are offered to students at the Maurice A. Deane School of Law at Hofstra University, contributing to Hofstra Law’s overall mission to prepare, challenge, and inspire students to change the world.

The overarching goal of each of our externship programs is to enable students to blend their substantive doctrinal training with the development of practical skills and professional identity. In collaboration with the externship faculty, the field placement supervisor will play a critical role in the student’s educational experience. The field placement supervisor will help to shape the student’s understanding of the professional responsibilities that come with the representation of clients, and will provide critical feedback on the student’s written and oral work product. Field placement supervisors are expected to encourage students to reflect broadly on what it means to be an effective and ethical lawyer, and to bring to life what students are learning in the classroom.

II. Educational Goals and Objectives

As noted in Section I, the overarching goal is to enable students to blend their substantive doctrinal training with the development of practical skills and professional identity in order to bridge the gap between their formal law school education and the practice of law. At the end of the externship experience, students will be better prepared to become skilled, informed, and effective attorneys. The experience will also enable students to develop an awareness that learning the practice of law is a lifelong endeavor, and it will enable them to develop a mastery of the ways in which lawyers can continue to learn and grow as a professional throughout their career.

We expect that the externship experience will provide students with a number of opportunities, including: (1) opportunities to increase their knowledge of substantive areas of the law; (2) opportunities to observe and reflect on legal practice, professionalism, professional goals, and the lawyering role; (3) exposure to the history, goals, structure, values, rules, and responsibilities of the legal profession; (4) opportunities to engage in legal analysis and research; (5) the development and practice of professional judgment in the context of solving legal problems; (6) the drafting of predictive, persuasive, and/or dispositional legal writing; (7) the development of other relevant professional skills, such as factual investigation, client interviewing and counseling, negotiation, drafting, oral advocacy, organization, and management; (8) recognizing and resolving ethical dilemmas; and (9) building a professional network of lawyers and non-lawyers for future professional development.
III. Program Requirements

Prior to beginning their field placements, students may be required to attend an orientation session at Hofstra Law, which will enable them to be ready on day one of their field placement. In addition, students are required to sign, along with their field placement supervisor and a representative from Hofstra Law, a memorandum of understanding which outlines the roles, responsibilities, and expectations of each of the parties.

At their field placement, students are required to work at least 12 hours per week over the course of a 14-week semester or 200 hours over the course of an eight-week summer session. Students will receive between 2-5 non-classroom hours of academic credit (depending on the specific externship course) for successfully completing their field placement. The course, unless otherwise indicated, is graded Pass/Fail. Law firm placements have the added requirements that (a) no student work can be billed to clients and (b) the law firm is strongly encouraged to engage externs in any of the firm’s pro bono matters.

During the fall and spring semesters, students are required to attend a companion weekly seminar, taught by a Hofstra Law faculty member. As part of the seminar, students will report generally on the work that they are doing in their field placement, consider issues relating to supervision, professional responsibility and the lawyering role, and gain further exposure to the substantive law and legal skills relevant to the field. During the summer externship program, students will be required to attend a full-day orientation program in May and then participate in an online classroom component throughout the summer session.

Students are required to maintain a reflective journal about their field placement, in accordance with the placement’s confidentiality requirements, as well as the attorney-client privilege and attorney-work product doctrine. Finally, students are also required to produce a substantial amount of original writing involving legal research and analysis during the field placement. For judicial placements, students must complete a minimum of 25 pages of written work. For the global and summer externship programs, students must complete a minimum of 20 pages of written work. For all other externship programs, students must complete a minimum of 15 pages of written work. The writing requirement can be satisfied by a single document or a series of smaller documents but cannot include the production of forms or pro forma/boilerplate motions. Students must submit their written work for review by the law professor at the conclusion of the externship, with appropriate deletions and redactions to protect and preserve privileged or confidential information.

IV. Roles, Responsibilities and Expectations of Field Placement Supervisors

A. Role of the Supervising Attorney

In conjunction with the law professor, field placement supervisors play a critical role in the legal and professional education of our students. Since students will receive between 2-5 academic credits for their work as externs, field placement supervisors are required to ensure that students have opportunities to engage in meaningful work that focuses on the substantive legal work performed by their office, as opposed to work that focuses on clerical, ministerial or administrative work.
B. Responsibilities and Expectations in Supervision

In an effort to provide meaningful work experiences to students, field placement supervisors are responsible for ensuring that students have the opportunity to conduct research and provide advice and assistance on a wide range of legal matters. We expect that the work provided to our students will be that which might typically be handled by a lawyer, is intellectually challenging and will aid in their growth and development as future attorneys.

Field placement supervisors are required to provide an orientation to students at the beginning of the externship that, among other things, identifies the office’s mission and includes guidelines and resources for performing whatever lawyering tasks will be required during the externship. This orientation should also provide information in regard to the office’s culture, structure, and work environment. The orientation and any orientation materials should also include information in regard to the office’s policies and procedures, including confidentiality requirements, the attorney-client privilege and the work-product doctrine.

Field placement supervisors are expected to provide mentorship and, where possible, to include students in the larger life and mission of the office, including in regard to attendance at, or participation in, meetings, conference calls, hearings, legal or administrative proceedings, or other available educational opportunities.

Field placement supervisors are required to provide students with access to the resources the students need to successfully complete their assignments, including adequate workspace and access to a desk and computer in a location in reasonable proximity to the field placement supervisor or other professional staff who are engaged in related work.

Field placement supervisors are required to provide regular, constructive, individualized and specific feedback to students, including one-on-one meetings with the students on a regular basis. In this regard, field placement supervisors can expect to receive instructions from the faculty member associated with the externship program, as well as ongoing guidance and support.

Field placement supervisors are required to permit the faculty member, as well as the Senior Associate Dean for Experiential Education, to conduct one or more periodic site visits, before, during, or after the semester. Such visits will be arranged at a mutually convenient time, and when such a visit takes place during the semester, it will provide an opportunity for a meeting with the student to discuss what all three parties hope to gain from the remaining time in the semester.

Students may not be compensated for the work they perform in connection with their field placements, other than reimbursement of reasonable externship-related out-of-pocket expenses. In addition, the field placements must not bill or collect any fee for any work performed by students.

At the conclusion of the semester, field placement supervisors must certify the number of hours that students have worked and complete a final evaluation of the students and the program. Field placement supervisors will be asked to evaluate students in a variety of areas, including in regard to the students’ research and analytical skills, writing skills, legal knowledge, oral presentation skills, ethical concerns, professionalism, attitudes, and work habits. Field placement supervisors are encouraged to share with the faculty member and the Senior Associate Dean for Experiential Education any information they deem to be relevant.
In connection with students’ need to satisfy their 50 hours of pro bono service required for admission to the bar in New York, students who have completed a qualifying placement, or engaged in pro bono work during their for-profit placement, may ask their supervisor to sign an affidavit certifying the nature of the pro bono work and the completion of the hours. If supervisors need assistance in filling out those affidavits, please contact Jennifer Gundlach at Jennifer.Gundlach@hofstra.edu.

Finally, students may need to provide a writing sample to a future employer. As a result, if such a need arises, field placement supervisors are expected to make a reasonable effort to accommodate this need, consistent with client confidentiality, attorney-client privilege and the attorney work-product doctrine.

For students working on matters under the direct supervision of an attorney, the ultimate responsibility of such legal matters rests with the field placement supervisor. Students can work diligently on a matter, perform much of the development of a case including research, drafting documents, contacting clients, and, in some instances, appear in court. However, as non-attorneys, students must be supervised by a practicing attorney who has ultimate responsibility for the matter.

C. Assignment of Work and Providing Feedback to Students

Supervisors should give students as much responsibility as possible. Supervisors should also be aware that students engaged in actual practice often confront important ethical and professional responsibility issues; therefore, it is important to discuss such issues with the students.

When assigning work, the student will be more likely to engage in comprehensive and competent work if the supervisor follows a few simple steps. The supervisor should begin by explaining the background and context of an assignment. This helps the law student by providing a better understanding of the desired example and helps to ensure that the end product is indeed what was requested. The supervisor should be sure to give the student a deadline for completing the work. Even if the supervisor does not need the work completed by a certain date, you should provide a due date to the student, which takes into account his or her remaining workload and how long you anticipate the assignment to take. Whenever possible, ask the student to produce a work product: written or oral projects provide students with the opportunity to show off their blossoming skills and gain experience in a particular area. At the conclusion of the assignment, provide the student with feedback.

Below are a series of questions you may find helpful to consider when assigning work to students in order to ensure less confusion and more productivity for both you and your law student intern.

a. Have you explained the assignment in a manner that takes into account the student’s relative experience?

b. Have you provided the student with some guidance in terms of starting points for legal research to help focus the issue? Have you asked the student if he or she has questions (again, remembering that some students may be unfamiliar with the substantive area of law you are asking them to address)?

c. Have you discussed the basic objectives of the assignment or project with the student? Does the student know how this particular assignment fits into the overall case file and what the assignment will help you or the judge accomplish or resolve? How many issues do you expect the student to address?
d. Have you explained the expected time commitments of the assignment? Effective supervisors take the time to explain when drafts of the assignment are due, when the final product is due, and how much time you expect the student to spend on the assignment, including time for research and drafting (keeping in mind that students are often inexperienced and require extra time for thorough research).

e. Have you explained what the assignment should look like when completed? How technically perfect do you want the letter/memo/brief to be in terms of case cites, for example? Do you want a rough draft or a more polished draft? Have you provided the student with an example of the format of the memo, brief or letter to assist the student in understanding your expectations?

f. Have you told the student how to follow up with you? How often should the student check in with you for a progress meeting? Is your schedule communicated to the student, and the student’s schedule communicated to you, so that progress meetings are accomplished as planned? Is the student aware of the format you require or expect? Who should the student ask for assistance if you are unavailable?

g. Have you followed up with your student intern? As students begin working on assignments, they often need additional and periodic help, assignment clarification, reassurance or relief. Redefinition of the task is common as the student gathers information and gains a more precise understanding of the assignment. Since interactions during this phase are frequently marked by informality and brevity, the importance of these exchanges can be easily overlooked. Have you been diligent in keeping those scheduled progress meetings?

Most supervisors are very concerned with making the students’ experience pleasant and, as a result, may shy away from the sometimes uncomfortable task of critiquing the students’ work. While this impulse is understandable, students need, deserve, and actually want honest feedback on their work.

Students often assume that “no news is good news,” and will continue to repeat the same errors unless they are given specific notice that improvement is necessary. Supervisors should provide feedback early on so any problems can be addressed before the internship proceeds too far. Most students are eager to become good lawyers and welcome specific advice on how they can sharpen their skills.

When giving feedback, it is always a good idea to start off on a positive note. For example, even if the student’s writing needs improvement, you may be able to honestly commend the student’s research abilities. And if the research was weak, perhaps the student’s eagerness and curiosity warrant a compliment. While you should not be reluctant to criticize the work where necessary, students are apt to be less defensive if they hear some good news first.

In order to be effective, suggestions for improvement should be as specific as possible. Instead of telling a student to tighten up the writing or use the facts more effectively, take a portion of the students’ work and show him or her how to edit and rewrite the assignment.

While this kind of feedback can be time-consuming, it is also the most helpful. Below are nine categories you may want to consider when reviewing a students’ performance. You may not need or want to touch on each of these categories during every feedback session, but if you assess the student’s performance on a specific assignment with the following categories in mind it may help both you and the student to focus on the areas of concern:
Research Ability
- Knows the basic, non-computer library research tools and how to use them
- Is familiar with computerized legal research resources
- Does thorough, careful and accurate work
- Produces practical and useful results
- Legal Analysis
- Integrates legal concepts and theory with facts in a coherent and logical progression
- Is able to identify relevant issues and distinguish a logical hierarchy among them

Intellectual Capacity
- Displays intellectual curiosity
- Thinks creatively and imaginatively
- Develops alternative avenues of argument
- Pursues analogous extensions in areas where the law is nebulous
- Writing skill
- Writes clearly, precisely and persuasively
- Drafts well-organized written assignments
- Cites accurately and properly

Clarity of Oral Expression
- Speaks well and is easily understood
- Is able to discuss issues clearly
- Communicates effectively in various advocacy proceedings

Judgment
- Is mature
- Exercises good common sense
- Knows how and when to ask questions or seek additional consultation
- Sets appropriate priorities in handling assigned work
- Knows how and when to ask questions or seek additional consultation
- Sets appropriate priorities in handling assigned work

Responsibility
- Is trustworthy and acts ethically
- Takes initiative
- Is dependable and conscientious about work
- Meets deadlines and manages time well
- Works independently and efficiently without sacrificing quality
- Accepts criticism and constructively modifies work habits

Client Relations
- Develops effective working relationships with clients
- Is sensitive and responsive to client needs
- Knows how to be diplomatically persistent
D. Ethical Considerations

Students who are working in externship settings are expected to work in an ethical and professional manner. Law student, like other non-lawyer employees of your office, should be encouraged to review and abide by the New York State Rules of Professional Responsibility. Below is a brief review of important ethical considerations for field placement supervisors.

Pursuant to Rule 5.3, supervising attorneys are responsible for the conduct of law students and other non-lawyers who work under their supervision. If you ever experience difficulty with your extern or have any questions about the ethics of what they are doing, please do not ignore the problem. Address it with your extern as quickly and as constructively as possible. If you continue to experience difficulty with your student’s professionalism or ethical behavior, please contact Jennifer Gundlach, Senior Associate Dean for Experiential Education. Ethical violations committed by the student should be reported to the Law School.

Students who are working in field placements should be trained to pay particular attention to issues concerning the preservation of client confidences and must protect client information and maintain confidentiality. It is important to remind them that they should discuss cases only with their supervising attorney, not with other students, employers, co-workers, family, friends, or public service program staff.

Field placement supervisors are reminded to discuss potential conflicts of interest with student externs before their first day in the field placement. We also strongly recommend that each field placement perform any conflicts checks for law students that would normally be performed in the organization. Many students have engaged in prior legal work for private and/or public entities and may have been exposed to confidential information that can create conflicts of interest for your organization’s current or future clients. For further information, we recommend that each field placement supervisor review the relevant conflict of interest disciplinary standards for your jurisdiction, as well as any institutional rules that may be in place.

The line between legal information and legal advice can sometimes be blurry. Even if students are working under a student practice order, they must be careful not to create the impression that they are dispensing legal advice, only an attorney can do that. Please discuss with your extern at the beginning of their externship what kinds of information they may ethically provide to clients.

Legal information is just that: general information about what the law says or how the court works. If the person seeking assistance is asking “how to” questions, they are seeking legal information. Law students may answer these questions with information about how to fill out forms, general procedures, etc.

Legal advice consists of advising a client to take a particular course of action based on the facts of their case. If the person is asking about what will happen in their particular case or what they should do, they are seeking legal advice, and the student may not answer those questions. Even with a practice order in place, students should not tell any client whether or not they should accept a particular offer, plea deal, etc. Providing such advice puts the student in an attorney-client relationship.
Sections 478 and 484 of the Judiciary Law are the provisions that govern student practice and set forth the specific activities in which a law student may engage. They are re-printed below for your reference.

§ 478. Practicing or appearing as attorney-at-law without being admitted and registered

It shall be unlawful for any natural person to practice or appear as an attorney-at-law or as an attorney and counselor-at-law for a person other than himself in a court of record in this state, or to furnish attorneys or counsel or an attorney and counsel to render legal services, or to hold himself out to the public as being entitled to practice law as aforesaid, or in any other manner, or to assume to be an attorney or counselor-at-law, or to assume, use, or advertise the title of lawyer, or attorney and counselor-at-law, or attorney-at-law or counselor-at-law, or attorney, or counselor, or attorney and counselor, or equivalent terms in any language, in such manner as to convey the impression that he is a legal practitioner of law or in any manner to advertise that he either alone or together with any other persons or person has, owns, conducts or maintains a law office or law and collection office, or office of any kind for the practice of law, without having first been duly and regularly licensed and admitted to practice law in the courts of record of this state, and without having taken the constitutional oath. Provided, however, that nothing in this section shall be held to apply (1) to officers of societies for the prevention of cruelty to animals, duly appointed, when exercising the special powers conferred upon such corporations under section fourteen hundred three of the not-for-profit corporation law; or (2) to law students who have completed at least two semesters of law school or persons who have graduated from a law school, who have taken the examination for admittance to practice law in the courts of record in the state immediately available after graduation from law school, or the examination immediately available after being notified by the board of law examiners that they failed to pass said exam, and who have not been notified by the board of law examiners that they failed to pass two such examinations, acting under the supervision of a legal aid organization when such students and persons are acting under a program approved by the appellate division of the supreme court of the department in which the principal office of such organization is located and specifying the extent to which such students and persons may engage in activities otherwise prohibited by this statute; or (3) to law students who have completed at least two semesters of law school, or to persons who have graduated from a law school approved pursuant to the rules of the court of appeals for the admission of attorneys and counselors-at-law and who have taken the examination for admission to practice as an attorney and counselor-at-law immediately available after graduation from law school or the examination immediately available after being notified by the board of law examiners that they failed to pass said exam, and who have not been notified by the board of law examiners that they have failed to pass two such examinations, when such students or persons are acting under the supervision of the state or a subdivision thereof or of any officer or agency of the state or a subdivision thereof, pursuant to a program approved by the appellate division of the supreme court of the department within which such activities are taking place and specifying the extent to which they may engage in activities otherwise prohibited by this statute and those powers of the supervising governmental entity or officer in connection with which they may engage in such activities.
§ 484. None but attorneys to practice in the state

No natural person shall ask or receive, directly or indirectly, compensation for appearing for a person other than himself as attorney in any court or before any magistrate, or for preparing deeds, mortgages, assignments, discharges, leases or any other instruments affecting real estate, wills, codicils, or any other instrument affecting the disposition of property after death, or decedents’ estates, or pleadings of any kind in any action brought before any court of record in this state, or make it a business to practice for another as an attorney in any court or before any magistrate unless he has been regularly admitted to practice, as an attorney or counselor, in the courts of record in the state; but nothing in this section shall apply (1) to officers of societies for the prevention of cruelty to animals, duly appointed, when exercising the special powers conferred upon such corporations under section fourteen hundred three of the not-for-profit corporation law; or (2) to law students who have completed at least two semesters of law school or persons who have graduated from a law school, who have taken the examination for admittance to practice law in the courts of record in the state immediately available after graduation from law school, or the examination immediately available after being notified by the board of law examiners that they failed to pass said exam, and who have not been notified by the board of law examiners that they have failed to pass two such examinations, acting under the supervision of a legal aid organization, when such students and persons are acting under a program approved by the appellate division of the supreme court of the department in which the principal office of such organization is located and specifying the extent to which such students and persons may engage in activities prohibited by this statute; or (3) to persons who have graduated from a law school approved pursuant to the rules of the court of appeals for the admission of attorneys and counselors-at-law and who have taken the examination for admission to practice as an attorney and counselor-at-law immediately available after graduation from law school or the examination immediately available after being notified by the board of law examiners that they failed to pass said exam, and who have not been notified by the board of law examiners that they have failed to pass two such examinations, when such persons are acting under the supervision of the state or a subdivision thereof or of any officer or agency of the state or a subdivision thereof, pursuant to a program approved by the appellate division of the supreme court of the department within which such activities are taking place and specifying the extent to which they may engage in activities otherwise prohibited by this statute and those powers of the supervising governmental entity or officer in connection with which they may engage in such activities.

It is important to keep in mind that a student’s supervising attorney has the following ethical responsibilities:

- Assume personal professional responsibility and supervision for the student’s work;
- Sign all pleadings, legal documents, briefs, memoranda, and client advice letters;
- Assist the student as needed; and
- Appear with the student in all trials and court proceedings if the student is working under a practice order.
V. Roles, Responsibilities and Expectations of Externs

The role of externs is comparable to the role of new entry-level attorneys. As a result, students are responsible for fully complying with the applicable Professional Rules of Conduct and acting in accordance with a lawyer’s professional and ethical responsibilities.

The externship programs offer our students the opportunity to blend their substantive doctrinal training with the development of practical skills and professional identity in order to bridge the gap between their law school experience and the practice of law. Students may be required to attend an orientation given by a faculty member prior to the commencement of their field placement, and they are expected to devote themselves to learning as much as they can throughout their externship experience.

Students are expected to consult with their field placement supervisors on a regular basis in regard to all aspects of their work, including the quality of their work and their workplace attitude and professionalism.

During the fall and spring semesters, students are required to work at least 12 hours and no more than 20 hours per week for the 14 week semester. During the summer externship program, students are required to work 200 hours over 8 weeks. Students are required to complete all of their field placement assignments in a timely and professional manner and to keep track of the hours they have worked.

Students are also required keep a reflective journal about their work experiences and to ensure that their journal entries comply with the confidentiality requirements of their placements, the attorney-client privilege and the work-product doctrine. Similarly, students must ensure that all presentations or discussions of their work comply with those requirements.

Students are required to attend and actively participate in the companion weekly seminar and complete all assignments in a timely fashion. At the conclusion of the semester, students are required to complete a final evaluation of their experience.

VI. Roles, Responsibilities and Expectations of Faculty Members

The faculty member associated with each externship course is responsible for ensuring the overall success of the program and for supporting both the students and the field placement supervisors. If any aspect of the externship experience raises problems or concerns for either the student or the field placement supervisor, the faculty member is responsible for working with the parties to achieve a resolution.

The faculty member is responsible for overseeing the academic component of the program and for working with the Senior Associate Dean for Experiential Education to ensure that the program complies with all applicable American Bar Association educational standards and requirements, as well as all Hofstra Law policies.

The faculty member is responsible for providing an orientation and training to students, including in regard to best practices. The faculty member is the first point of
contact between field placement supervisors and Hofstra Law and is responsible for maintaining good communication with the students and the field placement supervisors. The faculty member is also responsible for conducting periodic on-site visits with the field placement supervisors, either before, during or after the semester, to obtain feedback about the program and the students’ work performance.

Finally, the faculty member is also responsible for certifying the students’ completion of the all of the program’s requirements and for awarding grades in accordance with the grading policy of Hofstra Law.

VII. Journals

Reflective journals have become a critical part of law school externship programs over the course of the last decade. Journal entries serve multiple purposes. First, journal entries enable students to record and review their weekly assignments and to document the hours that they have worked. Their primary purpose, however, is to enable students to reflect on their work, the workplace, and how their field placement relates to their career goals. For example, the first journal entry is typically a “goals and objectives” entry that outlines what the student hopes to gain from the externship experience. Thereafter, journal entries are expected to be more than simply a list of assignments. Students are encouraged to include observations about the role and mission of their placement and the culture of the office, and any insights they may have about the relationship between their other Hofstra Law courses and their field placement.

Students must, however, ensure that each journal entry is made in accordance with the confidentiality requirements of their placement and that they do not violate the attorney-client privilege or the work-product doctrine. As a result, it is critical that students review their placement’s confidentiality requirements, along with the attorney-client privilege and the work-product doctrine, with their field placement supervisor when they begin their field placement.

Students are required to email their journal entries to the faculty member directing their course each week. Students will also be required to submit a final journal entry in which they reflect on their entire externship experience, including the extent to which their work has contributed to the mission of the placement and the extent to which they have met their goals and objectives. The final journal entry should also include their recommendations, if any, regarding the value of the externship program.

VIII. Evaluation

Evaluation is a critical component to measuring whether the externship program is achieving its educational goals and objectives. As a result, at the conclusion of a student’s placement, the student and the supervisor will be required to complete a written evaluation. (See Appendix.)
IX. On-Site Visits

The American Bar Association requires that periodic on-site visits, or their equivalent, be conducted by a faculty member if the field placement program awards 4 or more academic credits (or equivalent) for field work in any academic term, or if on-site visits, or their equivalent, are otherwise necessary and appropriate. If a student is earning 4 or more academic credits for successfully completing their field placement, the faculty member and/or the Senior Associate Dean for Experiential Education will be conducting periodic on-site visits before, during and after the field placement to review the student’s progress and to obtain feedback about the program.

X. What Externs Need to Know Before Beginning Their Field Placement *

We want to share with you the following things students should know, and a few things they should do, to prepare for their upcoming externship. If students take the time to follow these rules both before and during their externship, their work will be more beneficial to both the student and the field placement supervisor.

Workplace Etiquette

- Dress for success. Think Brooks Brothers, not Juicy Couture or Banana Republic. If a supervisor thinks a student should dress more casually, the supervisor will tell that student. And if a supervisor tells a student “business casual,” that does not mean what a student would wear to school or to a club. No flip-flops, tank tops, sequins or shorts, please.

- Don’t be shy. Introduce yourself around. Everyone may look busy, but they are never too busy to say hello to the new kid, especially the new kid who is friendly and eager to help.

- Students should talk to the support staff as they talk to their supervisor, and show them the respect they would want to be shown. The man/woman in the copy or file room really may run the show. If a student takes on an attitude, their supervisor will hear about it, and the student will feel it.

- Even if a supervisor starts behaving more casually, that doesn’t mean the student should. Students should not use slang or potentially offensive language to tell their supervisor about their social activities the past weekend. A supervisor may be very friendly and have a casual personality with the extern, but students should view this issue through the lens of having a 14-week job interview.

* Adapted from “Preparing Our Students for the Field Experience,” Greater Los Angeles Consortium on Externships.
Professionalism

- Students should learn the rules of confidentiality, the attorney-client privilege and the work-product doctrine, and the ethical rules about what they can or cannot talk about outside their externship office. Students should ask their supervisor for any written materials that may be available, and make sure they are comfortable and understand all the rules. A supervisor will be happy to answer your questions — confidentiality and professionalism are critical.

- Students should avoid the trap of the unauthorized practice of law. A student may never give legal information or advice to any other person or client without their supervisor’s express prior authorization. A student should not even think about providing information until they talk to their supervisor first.

Use of the Internet at Work

- Students should not plan on using any computer at their workplace to answer personal email or to log on to social networking sites such as Facebook.

- It is not appropriate for students to post a picture of themselves and other employees, including their supervising attorney, on their social networking page.

- It is not appropriate for students to discuss any matter they are working on, on their social networking page. Confidentiality is critical.

- Students should also consider whether there anything else on their social networking page (pictures of what they are doing or what they are wearing) that may reflect negatively on them generally as a professional at their placement? If so, they should please clean it up.

Workplace Attitude

- Students should demonstrate their maturity. The extern with poise and confidence inspires confidence in his/her supervisor (even if that student has to fake it until the self-assurance actually kicks in). When a supervisor talks with a student about their work or a position the student has recommended, the student should not back down too quickly. The student should be articulate and firm in their convictions.

- Students should not be afraid to ask questions when getting an assignment. Students should make sure they understand exactly what their supervisor is asking, the meaning of unfamiliar terms, key background facts, when it is due, what research sources they might use, and anything else that seems relevant. In fact, students should repeat the assignment back to their supervisor to make sure that they have gotten it right and that their supervisor has not forgotten to tell them something important.

- Students should take the initiative and demonstrate self-reliance. A student should always try to figure something out for themselves before asking their supervisor for help. That said, a student should not spin their wheels for too long before letting their
supervisor know they are stuck. A student’s time (and their supervisor’s) is valuable, so they should not waste it.

- When a supervisor calls the student into their office, the student should bring a legal pad and a pen with them. The supervisor may not be giving the student a new assignment, but they need to be prepared just in case there is something they need to write down. Students should not keep a supervisor waiting as they run back to their desk to get a pen and paper, and should not think they will remember everything their supervisor tells them without writing it down. Trust me, you won’t.

- Students should show up on time. Supervisors rely on students to be there when they say they will. Getting the required hours in by staying late or working through lunch is not enough. If a student is supposed to come in at 9 a.m., their supervisor and others in the office will expect them to do so.

- A student should ask their supervisor about which computers, copiers, and telephones they are authorized to use. Students should not make any requests of the support or clerical staff without getting approval for the requests from their supervisor in advance.

- Students should not goof off. They should put their cell phone away so that they aren’t even tempted to text, and shut down Facebook. These things are a huge distraction, for the student and for their supervisor. Students may get away with surfing, IMing and chatting while at the back of the classroom, but at their placement it is all business, all the time.

- Students should turn their work in on deadline. If their supervisor forgets to ask for their work when it is due, then the student should approach their supervisor. And students should never leave tasks unfinished, especially if they know they will not be in the office the next day.

- When a student is finished with a project, they should seek out their supervisor to ask for another. Although the student might get away with an afternoon of slacking off if their supervisor is too busy to notice, when he/she does notice, it will not look good.

- Students should understand that their supervisor did not go to law school to make photocopies either, but even the best lawyer has to do clerical work and filing now and again. We expect supervisors will do their best not to give students too much of this work because we all know the students are there to learn about the practice of law, but students should realize that the practice of law includes stuffing the occasional envelope.

**Brush Up Before You Show Up**

- Students should review the applicable area of law or procedural rules before they start. If a student is not sure what would be most useful for an overview of the subject, they should reach out to their supervisor and ask for suggestions — they will probably be impressed by their initiative.

- Students should read as much as they can about their field placement before they arrive so that they have a better idea of what the office does, how they work, and for
whom they work. Students should Google their supervisor on the Web or read a few cases/matters their supervisor may have handled. That way when the student shows up on their first day, they won’t say something silly about wanting to work on a type of case/matter that the office does not handle.

- Research and writing are the most important skills an extern can have, so students should remember that their supervisor expects them to remember how to plan a research strategy and draft a memo. It has probably been a while since the student’s first-year research and writing class, so they should review their notes or flip through their course book.

**Research and Writing**

- Before a student begins, they should go over the file or issue thoroughly first and pay attention to the details — they just might catch something their supervisor has missed.

- The student should brainstorm about the issues with the blinders off. They should think about all the possibilities, not just the legal issues that have been raised or that their supervisor has asked them about.

- The student should outline, or at least jot down, a research strategy. That strategy should rarely begin with a term search for cases on Lexis and Westlaw, especially if the issue they are researching is new to them (and most will be). Students should start with treatises, practice guides, and digests. These all come in book form and should be on Westlaw and Lexis. **PLEASE NOTE:** LEXIS permits students to use their LEXIS accounts in connection with externships for academic credit, but WESTLAW only permits students to use their WESTLAW accounts for externships in connection with public sector placements, but not in for-profit or law firm placements. If the office has a library, students should use it.

- Students should outline before they begin writing. Students should “build” their memo or brief from there.

- Students should keep their writing clear and concise. They should pay attention to critical details, but edit out unnecessary words and phrases and legalese. For help in this area, students should consult *Plain English for Lawyers* by Richard C. Wydick or one of Bryan A. Garner’s many books.

- Students should remember the hierarchy of authority.

- Students should remember the standard to be applied.

- Students should cite with the Bluebook, or the appropriate citation manual, if they are working on a matter that has particular rules.
• PROOFRD!

• PROOFRAD!!

• PROOFREAD!!!

• If there is another extern, have that extern PROOFREAD for you!!!!

• It is your writing, not your eyes, that is the window to your soul. A supervisor will expect an extern to produce thoughtful arguments and legal analysis. Students should never take shortcuts by substituting conclusory statements for careful reasoning.

• Besides the Bluebook, the most important legal tool is your common sense; so don’t leave it at the door! Students should try to understand the issues as they play out in the real world, and worry less about whether their memorandum sounds like a lawyer wrote it and more about whether it says clearly what they want it to say.
XII. Appendix

American Bar Association Standards

Hofstra’s externship program complies with all applicable ABA standards and requirements. In particular, the externship program complies with Standard 305, which governs “Study Outside the Classroom.”

Standard 305. Study Outside the Classroom

(a) A law school may grant credit toward the J.D. degree for courses or a program that permits or requires student participation in studies or activities away from or outside the law school or in a format that does not involve attendance at regularly scheduled class sessions.

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

(c) Each student’s academic achievement shall be evaluated by a faculty member. For purposes of Standard 305 and its Interpretations, the term “faculty member” means a member of the full-time or part-time faculty. 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.

(d) The studies or activities shall be approved in advance and periodically reviewed following the school’s established procedures for approval of the curriculum.

(e) A field placement program shall include:

(1) a clear statement of the goals and methods, and a demonstrated relationship between those goals and methods to the program in operation;

(2) adequate instructional resources, including faculty teaching in and supervising the program who devote the requisite time and attention to satisfy program goals and are sufficiently available to students;

(3) a clearly articulated method of evaluating each student’s academic performance involving both a faculty member and the field placement supervisor;

(4) a method for selecting, training, evaluating, and communicating with field placement supervisors;

(5) periodic on-site visits or their equivalent by a faculty member if the field placement program awards four or more academic credits (or equivalent) for field work in any academic term or if on-site visits or their equivalent are otherwise necessary and appropriate;

(6) a requirement that students have successfully completed one academic year of study prior to participation in the field placement program;
(7) opportunities for student reflection on their field placement experience, through a seminar, regularly scheduled tutorials, or other means of guided reflection. Where a student can earn four or more academic credits (or equivalent) in the program for fieldwork, the seminar, tutorial, or other means of guided reflection must be provided contemporaneously.

**Interpretation 305-1**

Activities covered by Standard 305(a) include field placement, moot court, law review, and directed research programs or courses for which credit toward the J.D. degree is granted, as well as courses taken in parts of the college or university outside the law school for which credit toward the J.D. degree is granted.

**Interpretation 305-2**

The nature of field placement programs presents special opportunities and unique challenges for the maintenance of educational quality. Field placement programs accordingly require particular attention from the law school and the Accreditation Committee.

**Interpretation 305-3**

A law school may not grant credit to a student for participation in a field placement program for which the student receives compensation. This interpretation does not preclude reimbursement of reasonable out-of-pocket expenses related to the field placement.

**Interpretation 305-4**

(a) A law school that has a field placement program shall develop, publish, and communicate to students and field instructors a statement that describes the educational objectives of the program.

(b) In a field placement program, as the number of students involved or the number of credits awarded increases, the level of instructional resources devoted to the program should also increase.
Hofstra Law Externship Program
Student Evaluation of Field Placement

Student Information

Name: ______________________________________________________
Phone:  ______________________________________________________
Email:  ______________________________________________________
Date:  ______________________________________________________

Field Placement Information

Field Placement:  __________________________________________________
Supervisor:  __________________________________________________

1. Nature of the Placement

☐ Legislative Branch
☐ Executive Branch
☐ Judicial Branch
☐ Non-Profit Agency
☐ Special-Interest Group
☐ Law Firm Solo Practitioner
☐ For-Profit Company/In-House

2. Duties and Responsibilities. Please describe your duties and responsibilities.
3. **Time.** Looking back over the course of the semester, please provide an estimate of the percentage of your time spent on the following categories of work.

- ______ Conducting legal research
- ______ Writing internal memoranda
- ______ Brief writing
- ______ Analysis
- ______ Oral presentations
- ______ Factual investigation
- ______ Client contact
- ______ Client interviewing
- ______ Client counseling
- ______ Negotiation
- ______ Proceedings/Hearings
- ______ Administrative/Clerical

4. **Supervision.** Please evaluate the nature and adequacy of the supervision you received, on a scale of 1 to 5 (5=Strongly Agree, 3=Agree, 2=Disagree, 1= Strongly Disagree).

- ______ Assignments were clearly explained to me.
- ______ I was given clear deadlines.
- ______ I was given meaningful feedback and guidance.
- ______ I met with my supervisor on an individual and regular basis during the course of the semester.

Please provide any other comments on the nature and adequacy of the supervision you received during your field placement, including whether it changed over time.

5. **Educational Goals and Objectives.** Please describe the progress you made toward the personal educational goals and objectives you identified at the beginning of the semester and the relevance of your assignments to those goals and objectives.
6. **Orientation.** Please describe whether you received an orientation from your field placement supervisor and if so, whether it was helpful to you and what, if any, changes you would recommend for that orientation.

7. **Facilities and Support Staff.** Please describe whether the facilities (physical environment) and support staff were adequate to perform your work.

8. **Pros and Cons.**
   
a. Please explain the most valuable aspect of your field placement.

b. Please explain the least valuable aspect of your field placement.

c. Please describe any unanticipated educational/learning experiences.

9. **Recommendations for Future Students.**
   
   Would you recommend your placement?  [ ] Yes  [ ] No  
   Would you recommend your supervisor?  [ ] Yes  [ ] No
How did you secure this placement?

Is there anything future students should know about this placement?

10. Other Comments and Suggestions. Do you have any other comments or suggestions about the field placement?

11. Feedback.

Have you shared your comments with your field placement supervisor? ☐ Yes ☐ No

May we share your comments with your field placement supervisor? ☐ Yes ☐ No

The Hofstra Law Externship Program would like to keep your placement evaluation on file for review by interested students. Please check below as appropriate.

☐ Hofstra Law may share this evaluation with others.
☐ I prefer that my evaluation be kept confidential.
☐ Hofstra Law may share this evaluation anonymously.
Hofstra Law Externship Program
Field Placement Supervisor Evaluation of Student

NOTE: We request that each field placement supervisor review this final evaluation with the student at the conclusion of the placement, as we believe this is an important component designed to further the student’s professional development.

Student Name: __________________________________________________
Field Placement: _________________________________________________
Supervisor Name: ________________________________________________
Telephone Number: _______________________________________________
Email Address: __________________________________________________
Review Date: ___________________________________________________

1. EVALUATION OF STUDENT
Please rate the student’s performance in the following areas using the 1 to 5 scale below:
1. Unsatisfactory, work consistently fails to meet requirements.
2. Needs improvement, work is occasionally below requirements.
3. Work is usually good, within acceptable level.
4. Very good, standards usually exceeded.
5. Excellent, all work and assignments are completed well above expected standards.
6. Not applicable.

A. Attitude _________

B. Substantive Skills — Research and Writing
1. Issue Spotting ______
2. Basic research procedure ______
3. Identification and use of appropriate authority ______
4. Analysis and application of law to facts ______
5. Clarity and style in written work ______
6. Clarity and style in oral communication ______
7. Efficiency ______
8. Thoroughness ______

C. Legal Judgment and Decision Making ______

D. Oral Advocacy ______
E. Problem Solving/Strategy ______
F. Professionalism ______
G. Initiative ______
H. Dependability ______
I. Ability to Cooperate and Communicate with Others/ Clients ______

G. Overall Rating ______

General Comments:

Discuss the nature of the work this student performed under your supervision.

Did the student complete the minimum required hours (200 for summer; 168 for fall and spring) in the field placement? □ Yes □ No

Have you discussed your evaluation with the student? □ Yes □ No

May we share your evaluation with the student? □ Yes □ No
3. PROGRAM RECOMMENDATIONS
Please indicate whether there are any ideas or changes that you believe the Law School should implement to make the externship function better for you or the student.

4. PARTICIPATION IN EXTERNSHIP PROGRAM
Would you participate in the Externship Program as a Field Supervisor in the future?
☐ Yes  ☐ No

If so, please indicate the semesters in which you would like an extern and how many:

☐ _________ (Year) Summer: I would like ____________ (#) externs.

☐ _________ (Year) Fall: I would like ____________ (#) externs.

☐ _________ (Year) Spring: I would like ____________ (#) externs.
Hofstra Law Externship Program
Time Sheet

Student’s Name: ________________________________
Field Placement: ________________________________
Relevant Dates: _________________________________

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<th>Date Assigned</th>
<th>Assigned Task</th>
<th>Description of Work</th>
<th>Completion Date</th>
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I. Overview of Educational Objectives

The Hofstra Law Externship Program provides students with an unparalleled educational opportunity by allowing them to gain hands-on experience working in a legal setting. Students can work as unpaid legal externs at an approved government placement (including executive, legislative and judicial branches of municipal, state, or federal governments), non-profit organizations, public interest groups, and in limited cases, for-profit placements in-house or at law firms. During their placements, students are expected to conduct research and provide advice and assistance on a wide range of legal matters under the direct supervision of experienced practitioners.

Field placement supervisors play a critical educational role and shape students’ understanding of the professional responsibilities that come with the representation of clients. Field placement supervisors are expected to encourage students to reflect broadly on what it means to be an effective and ethical lawyer, and to bring to life what our students are learning in the classroom.

The externship program is administered in accordance with all American Bar Association educational standards and requirements, including those that are found in Chapter 3, Standard 305, “Study Outside the Classroom.” As a result, Hofstra Law’s policy is to place students only in offices where compliance with Standard 305 can be assured.

For law firm placements only, the firm must not receive any financial benefit from the student’s work. The placement should be designed for the educational benefit of the student and the student’s work must be closely supervised. In addition, we strongly encourage all law firm placements to seek out opportunities for our students to engage in pro bono work while in the placement.

All for-profit placements are encouraged to review applicable provisions of the Fair Labor Standards Act and related regulatory guidance with respect to the employment of unpaid interns.

Hofstra University is committed to extending equal opportunity to all qualified individuals without regard to race, color, religion, sex, sexual orientation, gender identity or expression, age, national or ethnic origin, physical or mental disability, marital or veteran status in employment and in the conduct and operation of Hofstra University’s educational programs and activities, including admissions, scholarship and loan programs and athletic and other school administered programs.
II. Student Information
Name: _________________________________________________
Address: _________________________________________________
Phone: _________________________________________________

III. Field Placement/Supervisor Information
Name of Organization: ________________________________________
Address: _________________________________________________
Supervisor Name: ___________________________________________
Supervisor Title: ____________________________________________
Supervisor Phone: ___________________________________________
Supervisor Email Address: _____________________________________

IV. Dates of Field Placement
Start Date: __________________ End Date: _______________________

V. Acknowledgement
By our signatures below, we acknowledge that we have reviewed the Hofstra Law Externship Program Manual and agree to abide by all of the Educational Goals, Objectives, Program Requirements, as well as our respective Roles, Responsibilities, and Expectations. We also agree to abide by Hofstra University’s non-discrimination policy.

Hofstra Law Student
Name: _________________________________________________
Signature: ____________________________________________ Date: ___________

Field Placement Supervisor
Name: _________________________________________________
Signature: ____________________________________________ Date: ___________

Hofstra Law Representative
Name: _________________________________________________
Signature: ____________________________________________ Date: ___________
Hofstra Law Externship Program
Student Self-Assessment

Self-awareness is an essential component of experiential education. As a result, we would like you to evaluate your own abilities in the following categories, on a scale of 1 to 5 (5=Excellent, 4=Good, 3=Satisfactory, 2=Needs Improvement, 1=Unsatisfactory, NA=Not Applicable). At the end of the semester, you will also be asked to complete another self-assessment. Please be as candid as possible. Your individual answers will be kept confidential, and none of the information included in the self-assessments will be a factor in your grade for the program.

**Problem-Solving**
- ability to gather information relevant to the decision to be made
- ability to identify and diagnose legal and policy problems
- ability to generate alternative solutions and strategies
- ability to develop and implement a plan of action
- ability to keep the planning process open to new information and ideas
- ability to evaluate the problem-solving process

**Research Skills**
- knowledge of, and ability to use, fundamental tools of legal research
- research is thorough and complete
- ability to evaluate and revise a research design

**Analytical Skills and Reasoning**
- ability to integrate legal theory with facts in a logical progression
- ability to identify relevant issues and distinguish a logical hierarchy
- ability to effectively weigh the pros and cons of different legal arguments
- ability to pursue analogous extensions in areas where the law is unclear

**Writing Skills**
- ability to write clearly, grammatically correct, precisely, and persuasively
- ability to draft well-organized written assignments
- ability to cite accurately and properly
- writing tailored to your audience

**Legal Knowledge**
- understanding of the substantive legal principles (law and procedures) applicable to the field placement
Oral Presentation Skills
____ understand the need to communicate effectively
____ ability to discuss legal and policy issues clearly and effectively in various settings, including in advocacy proceedings
____ ability to respond to questions

Judgment
____ ability to exercise good judgment
____ ability to know how and when to ask questions
____ ability to know when to seek additional consultation
____ ability to set appropriate priorities in handling assigned work

Ethics and Professionalism
____ understanding of, and ability to spot, ethical issues
____ understanding of the means by which ethical standards are enforced
____ ability to conform to office confidentiality and ethical protocols
____ degree to which your assignments are approached professionally

Attitude and Work Habits
____ ability to take initiative
____ ability to meet deadlines
____ ability to manage time and resources effectively
____ attention to detail
____ ability to accept criticism
____ ability to constructively modify work habits in response to criticism
____ ability to be cooperative and accommodate the needs of an office
____ ability to remain unruffled in emergency situations
____ ability to be courteous and respectful to all staff
____ ability to appear self-confident and enthusiastic
____ ability to formulate goals and principles for effective practice management

Client Relations
____ ability to develop effective working relationships with clients
____ ability to understand the proper nature and bounds of the lawyer’s role
____ ability to analyze a range of available client options
____ ability to be sensitive and responsive to client needs
____ ability to know how to be diplomatically persistent
____ ability to ascertain and implement the client’s decision

Overall Rating as an Entry-level Attorney
____