

Bridging the Gap

Externships Make Better Lawyers



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If you're concerned about the law-school-to-practice gap and looking for a way to give back to the profession, look no further than the world of externships, internships, and summer law clerks. If you haven't already done so, consider adding one or more to your hiring repertoire.

Externships are sometimes offered to students through their law schools for credit. Most are with nonprofit agencies or at courthouses. In my opinion, these are excellent, worthwhile opportunities that should continue. I also believe the legal profession needs to significantly increase its private-practice externships.

Simply put, private-practice externships make law students more employable. This helps to solve two problems facing the legal profession as identified by the State Bar's 21st Century Practice Task Force: unemployment/underemployment of new lawyers and difficulty paying student-loan debt. These opportunities may also increase lawyer satisfaction 5, 10, or even 50 years down the road. By spending time in different areas, law students can select the type of practice that calls to them and eliminate practice areas they find unappealing.

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Lack of preparedness for private practice has been a criticism of law schools and new lawyers for decades, and rightfully so. Unlike the medical field, where doctors must participate in a residency, the legal field has never required any type of apprenticeship. The primary purpose of bar associations is to protect the public. Allowing new lawyers with no private-practice experience or formally assigned mentor to set up shop on their own is irresponsible. Some efforts are being made to bridge the gap, but we need to do more.

Experiential learning

The popularity of externships has grown significantly over the last decade, and beginning this fall, the American Bar Association will, for the first time, require all law students to take six credits of experiential learning to obtain a law degree.

This is welcome news to Hannah Brenner, lecturer in law, co-director of the Frank J. Kelley Institute of Ethics & the Legal Profession, and director of externship programs at Michigan State University College of Law, but it is not a departure from the school's practice. "We spend a lot of time emphasizing the importance of experiential learning in addition to the formal education that occurs in the classroom," she said, noting that students may only extern in law firms if they engage in exclusively pro bono work.

Here we see yet another benefit of externships: bridging the access-to-justice gap.

Brenner said the law school's career services office uses its relationships with many employers to help students find appropriate externships.

Christine Zellar Church, associate dean of Western Michigan University Cooley Law School's Lansing campus, agreed, pointing out there are multiple ways students can find externships, including approved placements. "Students can also propose their own placement, and each new placement is vetted by a faculty committee," she said. This is where active private practitioners come in. Consider publicizing on social media that you or your law firm is looking for an extern.

Amy Harwell-Sankaran, director of externship and pro bono programs and clinical assistant professor at the University of Michigan Law School, said the school has a clinical guarantee when it comes to externships. "If you want one, you can have one," she said.

Western Michigan University Cooley Law School student Alexis Grover advised students to keep an open mind when it comes to experiential learning. "I never imagined I would fall in love with the type of law that I ended up doing for my externship," she said, "and it turned into something I hope to practice."

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Conversely, Wayne State University Law School Associate Dean Lance Gable said some students in externships discover that an area in which they thought they wanted to practice wasn't what they expected or wouldn't bring the career satisfaction they sought.

Making better lawyers

Harwell-Sankaran explained that the University of Michigan Law School's goals regarding externships are developing professional skills, values, and judgment; learning about professionalism, the practice of law, and the legal system; and becoming reflective practitioners with the capacity for self-directed professional growth. The school helps students attain those goals through a combination of supervised field work, class meetings, and reflective journaling about their experiences.

Gable concurred, noting that the number-one benefit his students report is increased confidence—a characteristic clients almost certainly appreciate.

"We all remember our first job after law school and the ball in the pit of our stomachs from thinking that everyone around us knew more than we did," Gable said, observing that an externship helps ease that anxiety. "[Externs] also understand more about the day-to-day life of an attorney and what to expect when they begin to practice."

Law students agreed with those assessments.

Grover said her goals were learning how to become more competent, seeing what it would be like to practice, and getting out of her comfort zone. In her externship she did research, edited briefs, wrote affidavits, and observed trials, mediations, and negotiations. In the end, she met all of her goals—and more.

"I learned how to communicate with clients," Grover said. "I learned how to do a lot of the 'need-to-know' basic duties of being an attorney, such as filing, preparing affidavits, researching for briefs, and going to court. And I learned the differences between mediations, arbitrations, and trials. I also learned that I prefer alternative dispute resolution (to traditional litigation)."

Western Michigan Cooley Law School graduate Kaylon Wilson, who completed two externships, echoed Grover's sentiments, mentioning that she learned how to handle clients and other attorneys, how to draft documents like motions and proofs of service, and the importance of developing a reputation and relationships with judges and other attorneys.

Fellow Cooley grad Kristina Bilowus said one of the biggest lessons she learned was how "real" it is. "These are real clients facing difficult decisions," she observed. "Understanding that I have to represent their interests in an ethical and legal manner is a lot to process."

An additional benefit of an externship, of course, is the improved prospect of finding a job upon graduation. Zellar Church said that Cooley asks externs in their final assessments whether they were offered a job or other employment as a result of their placement; approximately 25 percent of respondents said yes.

Mutually beneficial

Taking on an extern requires a little work and some patience.

Brenner said Michigan State asks its lawyers to provide substantial feedback on the work product. Zellar Church said her school asks lawyers to complete a mid-term evaluation of students, which they review together, as well as a final evaluation.

Despite the work, most law firms and lawyers report a positive experience.

"Most employers take time to mentor students and also provide opportunities for them to meet other lawyers, build relationships, and attend social and bar-related events," Brenner said. "The feedback we receive from employers is overwhelmingly positive, as evidenced perhaps most obviously by their ongoing willingness to take student externs semester after semester."

In addition to the opportunity for lawyers to give back, mentoring an extern can also be a way to learn from younger lawyers who might have special insight into emerging technologies or other areas they are often eager to share with mentors.

Twenty-first-century learning

The benefits of law school externships for all involved outweigh the costs. Externships help bridge what used to be a significant gap between law school and the real-life practice of law. New lawyers are coming out of school more practice ready and thus more employable. They are far better prepared to represent clients, which protects them, the legal community, and the public. And they have a significantly clearer vision of where they want to go in their legal careers.

This is precisely the direction we want to go as twenty-first-century lawyers. So what's next from the State Bar's perspective? My predecessor as SBM president and one of the key drivers behind our 21st Century Practice Task Force, Thomas Rombach, said he hoped externships would be a focus for the Bar. I agree, which is why we are now looking at ways the Bar can help make legal externships the norm in Michigan and streamline the process.

In addition to continually growing our Mentoring Center, we are looking at a comprehensive online law student directory with expanded profiles in which students can indicate their desire for an externship or a mentor and be able to find a lawyer willing to take on that role.

Stay tuned for that and more. In the meantime, whether you're a law student, a new lawyer, or an experienced veteran, I urge you to make an externship part of your experience. Having hosted several externs, I assure you, it is a worthwhile effort. ■