



JUDICIAL EXTERNSHIP PROGRAM DESCRIPTION

If you have questions, please contact:

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Introduction

The Villanova Law School Judicial Externship Program offers students an opportunity to gain valuable insight into the legal profession and the judicial decision-making process. It also gives students a chance to develop their lawyering skills, experience the practical aspects of the litigation process, and compare legal doctrine learned in other courses with its application in the courtroom. Under this program, students may earn three credits on a pass-fail basis by working for a judge as a student extern. In addition, the externs' experiences are supplemented by class meetings on topics such as confidentiality, judicial decision making, writing, and court conferences and proceedings.

Educational Objectives

The educational objectives of the Judicial Externship Program are to provide students with the experience and insights derived from working as law clerk externs in the chambers of state and federal judges. Also, the program is intended to improve students' skills of case analysis, statutory analysis, legal research and legal writing, as well as their grasp of procedural rules and substantive law principles. These objectives are achieved by student participation in a variety of activities supervised by the judges and their law clerks, including: (1) conducting legal research on pending cases; (2) drafting memoranda analyzing issues raised in pending cases; (3) assisting in the preparation of orders, jury instructions, judgments, and opinions; (4) attending discovery conferences, pretrial conferences, settlement conferences and hearings; and (5) discussing pending matters with the judges and their law clerks.

In most respects, the work assigned to the student extern should be the same as that given to the judge's regular law clerk, taking into account the student's relative inexperience at the beginning of the semester or summer and the constraints imposed by the limited number of available work hours. Because students earn academic credit for a judicial externship, it is important that the experience is educational. Therefore, routine and repetitive projects or clerical work should be avoided, except to the extent that it is a normal incident of being a judicial law clerk. We encourage that students be assigned a progression of challenging, varied, and increasingly complex legal projects.

Prior to commencement of the externship, the law school will provide the judge with a memorandum of understanding outlining the role of the student, judge and faculty advisor. In addition, the faculty advisor may discuss the progress of the externship with the judge periodically during the semester. Also, the faculty advisor will discuss confidentiality issues and ethical considerations, and provide an overview of the function and role of a law clerk, at the beginning of the semester or summer.

Classroom Component

Students are required to meet as a group in a class at designated times. The purpose of this meeting is to discuss the externship, provide guidance on professional, ethical or other issues that may arise, and expose students to the judicial process generally. Topics for classroom discussion include: (1) decision-making in theory (including the role of precedent, logic, history and customs); (2) the mechanics of decision-making (including the role of intuition, morality, and subjective influences); (3) justifying the decision (writing the opinion); (4) the review function and exercise of discretion; (5) ethical considerations; and (6) judicial administration. Failure to complete the classroom component will bar the student from receiving credit.

Requirements & Evaluation of Students

Students must spend at least 135 hours on the work of the externship over the course of the semester or summer. This requirement does not include time spent in class meetings, conferencing with the faculty advisor or commuting. In addition, all work is to be performed on-site unless otherwise agreed to by the supervising judge.

Because of ethical constraints on judicial employees and the sensitive nature of the work conducted in the judge's chambers, students are not required to keep a journal or to submit to the faculty advisor any written memos or other materials prepared for the judge. In lieu of keeping a journal, students must submit a time sheet to the faculty advisor, which will set forth the hours they have worked for the judge. Students are also required to complete at least one written project for the judge during the semester —such as a bench memo or draft opinion—to receive credit for the course.

Participating judges are requested to submit written evaluations of the student externs at the end of the semester or summer, commenting on the quality of the extern's performance and work product. In addition, judges are encouraged to provide students with detailed critiques of their work.

Course Credit

The course is open to second-year and third-year students, who will receive three credits for the course on a pass-fail basis. Although students are evaluated by the supervising judges, the final grade is the responsibility of the faculty advisor.