



Villanova University  
Charles Widger School of Law  
Externship Program  
Semester, Year

## Memorandum of Understanding

### I. Overview.

The Villanova University Charles Widger School of Law Externship Program supports the joining of Law Student Externs, Field Instructors (supervising attorneys), and Advising Faculty Members in a collaborative learning enterprise. This partnership provides a platform for all parties to mindfully integrate legal theory and legal practice, and for esteemed members of the Bar to collaborate with the law school in preparing law students to be good lawyers. The Law School recognizes the value of externship placements for students as a means of achieving educational and professional objectives such as developing or enhancing professional skills and responsibility, improving legal research and writing skills, and acquiring knowledge of legal process and practice, as well as knowledge of specific substantive areas of the law and establishing professional relationships with practitioners in the legal community. The Law School also recognizes and appreciates that the uniqueness and success of this program rests upon the efforts and quality of the skilled Field Instructors – thank you. This Memorandum describes the roles and responsibilities of the parties to this agreement, as set forth below.

### II. Governing Rules.

The Villanova University School of Law Externship Program is governed by (1) the American Bar Association Standards and Rules of Procedure for Approval of Law Schools – Standard 304, Simulation Courses, Law Clinics, and Field Placements, (2) the Villanova University School of Law Externship Policy, and (3) the Externship Program guidelines.<sup>1</sup> The purpose of this Memorandum of Understanding is to help the parties and agents to this document achieve the educational and professional objectives as envisioned by the Externship Policy, and to help the Law School meet the requirements as set forth in ABA Standard 304. Should any party or agent to this agreement have any questions or concerns regarding the application of these governing rules to any aspect of the Externship Program, please contact the Program Director, Matthew McGovern, directly at (610) 519-3893 or by email at [mcgovern@law.villanova.edu](mailto:mcgovern@law.villanova.edu).

### III. Parties/Agents.

Law Student Extern: \_\_\_\_\_

Field Placement (Host Organization): \_\_\_\_\_

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<sup>1</sup> A copy of the American Bar Association Standard 304, Simulation Courses, Law Clinics, and Field Placements, can be found at [www.americanbar.org/groups/legal\\_education/resources/standards.html](http://www.americanbar.org/groups/legal_education/resources/standards.html). The Villanova University School of Law Externship Policy (May 2016) and general Externship Program guidelines can be found at [www1.villanova.edu/villanova/law/academics/externships.html](http://www1.villanova.edu/villanova/law/academics/externships.html).

Field Instructor (Supervising Attorney/Field Placement Supervisor):

\_\_\_\_\_

Title: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: (        ) \_\_\_\_\_

Law School:

Villanova University School of Law  
299 North Spring Mill Road  
Villanova, Pennsylvania 19085  
(610) 519-7000

Law School Agents:

Advising Faculty Member:

Professor \_\_\_\_\_  
Villanova University School of Law  
\_\_\_\_\_@law.villanova.edu  
610-519- \_\_\_\_\_

Program Director:

Matthew McGovern  
Villanova University School of Law  
McGovern@law.villanova.edu  
(610) 519-3893

**IV. Academic Data.**

Total Credits: \_\_\_\_\_

Total Experiential Hours Required<sup>2</sup>: \_\_\_\_\_

Semester: \_\_\_\_\_ Semester, Year (in accord with the academic calendar)

Work Schedule: \_\_\_\_\_ To be determined.

**V. Roles and Responsibilities.**

**A. Law Student Extern**

1. Before the externship begins, the Law Student Extern, in consultation with the Field Instructor and Advising Faculty Member, will identify, articulate and memorialize upon the Externship Learning Objectives Worksheet the specific learning objectives, goals and methods of the externship. Should unexpected opportunities arise during the course of the externship, and these opportunities support new

<sup>2</sup> The Law School academic semesters are thirteen (13) weeks in duration. Please use the following to determine the total experiential hours required to be performed during the semester at the Field Placement location: 3 credits, 135 hours; 4 credits, 180 hours; 6 credits, 270 hours; 6 credits over two semesters, 270 hours; 12 credits, 540 hours. Please note that experiential hours do not include time spent conferencing with the Advising Faculty Member or commuting to the Field Placement.

goals or methods, these new goals and methods should be added to the original Externship Learning Objectives Worksheet. This Worksheet is intended to be used as a tool in discussions with the Field Instructor and Advising Faculty Member.

2. The Law Student Extern will meet or exceed the Field Instructor's and Field Placement's reasonable expectations regarding assignment completion, workplace conduct, integrity and professionalism.
3. The Law Student Extern will conduct themselves according to the standards of the legal profession.
4. The Law Student Extern will preserve and protect all confidential and privileged information of the Field Placement and its clients. This confidentiality includes all communications made outside of the Field Placement, including but not limited to journals, other Advising Faculty Member requirements, discussions, and in meetings with the Advising Faculty Member or Program Director.
5. The Law Student Extern will keep a truthful and detailed record of the time spent constructively applying themselves at the externship, and will record this time on the Villanova University School of Law Externship Program Timesheet. This Timesheet will be submitted to the Law School according to the process as set by the Law School.
6. The Law Student Extern will keep (1) a reflective practice journal and (2) a timesheet briefly describing activities completed at the Field Placement, and share both for evaluation with the Advising Faculty Member every other week. The Advising Faculty Member may assign other activities for the Law Student Extern to complete.
7. The Law Student Extern will meet regularly with the Advising Faculty Member for, at a minimum, one (1) hour at least four times during the semester. The meeting need not be an individual meeting, but may be a meeting of a group of students involved in similar or related externship placements. The meetings may take place electronically if the student is in an externship remote from the Law School.
8. The Law Student Extern will participate in four classroom sessions during the semester which will be scheduled by the Program Director.
9. The Law Student Extern will not accept any compensation, including work-study, for work done toward the completion of the externship.
10. The Law Student Extern has read the Law School Externship Policy, understands and agrees that in accepting an externship a commitment has been made to the externship placement and that an obligation exists to follow-through until the conclusion of the semester/summer, and further understands that withdrawal from the externship absent extraordinary circumstances will not be permitted without the approval of the Law School Academic Dean or the Program Director.

## **B. Field Instructor / Field Placement**

1. The Field Instructor will make reasonable efforts to provide the opportunity to observe substantive legal work that is of the same level of rigor and complexity as would be assigned to a first-year lawyer in the same office. This legal work should normally include several of the following: conducting legal research, conducting factual investigation and research, participating in preparation for a hearing, deposition, or similar proceeding, participating in or attending a hearing, deposition, or similar proceeding, preparing comments on proposed agency regulations or preparing testimony for an administrative agency hearing, preparing comments on proposed agency regulations, drafting legal documents, such as letters, pleadings, orders, and briefs, participating in or attending sessions in which the lawyers counsel clients of the host organization, and participating in or attending negotiation sessions.
2. The Field Instructor will arrange for access to the resources necessary to work and learn effectively, including adequate work space at the office in reasonable proximity to the work space of the Field Instructor or other professional staff engaged in work relevant to the externship.
3. The Field Instructor will give the Law Student Extern assignments chosen for their educational value, making all efforts to exclude to the extent possible purely clerical, secretarial or paralegal work that is of little or no instructional value or is otherwise incommensurate with law school credit.

4. In accord with the Fair Labor Standards Act, the Field Instructor will (a) provide the Law Student Extern with transferable skills, (b) make it clear to the Extern that they are not entitled to a job at the conclusion of the externship and that the externship experience is for the benefit of the extern, (c) will make sure that the extern does not displace regular employees, (d) that the Extern receives close supervision and guidance from licensed attorneys, (e) that the Extern's activities are non-fee generating, (f) and that the Field Placement does not derive an immediate advantage from the activities of the extern. It is important for the Field Instructor to make clear to the Law Student Extern that the extern is not entitled to wages for the time spent at the Field Placement.
5. The Field Instructor will give clear communication concerning assignments, will generate and offer feedback regarding the Law Student Extern's work product, and should provide training, mentorship and opportunities to shadow other attorneys in their work, and arrange for the Law Student Extern's meaningful inclusion in the larger life and mission of the office, including meetings, conference calls, hearings and other available opportunities for learning.
6. The Field Instructor will promptly notify the Advising Faculty Member and Program Director, as above, if the Law Student Extern fails to meet their responsibilities as set forth above in Part A.
7. The Field Instructor will help arrange for a visit by the Advising Faculty Member or other agent of the Law School to the Field Placement if requested.
8. Upon conclusion of the externship, the Field Instructor will provide an evaluation of the Law Student Extern's educational experience and performance using the Field Instructor's Final Report. This Final Report will be reviewed by the Field Instructor with the Law Student Extern, and submitted to the Law School according to the process as set by the Law School.
9. Upon conclusion of the externship, the Field Instructor will determine, in consultation with the Advising Faculty Member, the Law Student Extern's academic grade for the externship. The grading scale shall be Pass, Fail, or Honors.<sup>3</sup>

### **C. Program Director**

1. The Program Director will communicate the Externship Program's requirements, including those of the American Bar Association Standards, the Law School Externship Policy, and other guidelines, to the Law Student Extern and the Field Instructor, and will ensure that the externship meets these requirements.
2. The Program Director will enforce rules and expectations of the externship regarding professionalism and workplace conduct, with measures up to and including removal of a Law Student Extern from an externship.
3. The Program Director will administer four classroom sessions for the Law Student Extern during the externship semester.

### **D. Advising Faculty Member**

1. The Advising Faculty Member will visit the Field Placement, or will arrange for a visit by another agent of the Law School, or any other such person, as required by the ABA Standards or the Villanova University School of Law Externship Policy, or if the Advising Faculty Member considers it appropriate under the circumstances.<sup>4</sup>

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<sup>3</sup> Law Student Externs who achieve Honors will receive a "Pass" on their official transcript, and the comment "[o]utstanding performance in externship" will be noted on the transcript.

<sup>4</sup> See Law School Externship Policy ¶ 6 "[t]he faculty member is required periodically to visit the host organization unless the externship bears only three credits or if the host organization is remote from the Law School. If the host organization is remote from the Law School and the externship bears four or more credits, the faculty member must arrange to have a representative from a different law school visit the host organization as a proxy, unless the faculty member is able to visit in person."

2. The Advising Faculty Member will discuss the planned experience for the externship with the Law Student Extern and the Field Instructor before the externship commences, and will discuss the progress of the Law Student Extern with the Field Instructor periodically during the externship.
3. The Advising Faculty Member will be available to meet with the Law Student Extern, either individually or in a group of students involved in similar or related externships, for at least one (1) hour four times during the semester of the externship.
4. The Advising Faculty Member will engage the Law Student Extern in critical evaluation of the externship. The Advising Faculty Member and Law Student Extern will discuss, among other related concerns, the professional experience at the Field Placement, the Law Student Extern's reflective practice journal and activities completed at the Field Placement, identify and discuss legal and ethical issues raised by the externship experience, and will explore the issues of substantive law or procedure that relate to the Law Student Extern's experience while maintaining appropriate confidentiality.
5. The Advising Faculty Member will promptly notify the Program Director if the Law Student Extern fails to meet their responsibilities as set forth above in Part A, or if the Advising Faculty Member has any concerns regarding the performance of the Law Student Extern, the Field Placement, or any other matters relevant to the externship.
6. Upon conclusion of the externship, the Field Instructor will determine, in consultation with the Advising Faculty Member, the Law Student Extern's academic grade for the externship. The grading scale shall be Pass, Fail, or Honors.<sup>5</sup> The Advising Faculty Member will submit the final grade to the Law School Registrar.

## VI. Signatures

By signing below, the parties and their agents certify that they understand the roles set forth in this Memorandum of Understanding and agree to fulfill the responsibilities assigned to them. This document may be executed in parts that, when taken together, shall be deemed to constitute one instrument.

Law Student Extern: \_\_\_\_\_  
 (Signature) (Date)

On behalf of the Field Placement,

Field Instructor: \_\_\_\_\_  
 (Signature) (Date)

On behalf of the Law School,

Program Director: \_\_\_\_\_  
 (Signature) (Date)

Advising Faculty: \_\_\_\_\_  
 (Signature) (Date)

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<sup>5</sup> Please see footnote 3, above.