



University of South Carolina Joseph F. Rice School of Law Externship Program
Memorandum of Understanding

Extern Name: _____ **Semester/Year:** _____

Attorney Supervisor: _____

Externship Site: _____

Externship Dates: Start Date: _____ End Date: _____

Extern Work Schedule: Day(s)/Times each week: _____

CREDIT AND HOUR REQUIREMENT

The extern should select the appropriate box:

- Fall or Spring Semester: 2 hours of pass/fail credit = 8 hours/week for 13 weeks (104 hrs. total). Externs may not work more than 15 hours/week for academic credit.
- Summer Session: 4 hours of pass/fail credit = 30 hours/week for 7 weeks (210 hrs. total). Externs may not work more than 35 hours/week for academic credit.

RESPONSIBILITIES AND EXPECTATIONS

As participants in the University of South Carolina Joseph F. Rice School of Law Externship Program (Externship Program), the Attorney Supervisor, Extern, and the Director of Externships (Director) agree to act in accordance with the following responsibilities and expectations:

A. Attorney Supervisor

1. Education: The externship experience is primarily an educational experience for the benefit of the extern.

2. Supervision: Attorney Supervisors will have direct supervision of the extern's performance. Attorney Supervisors will direct, monitor, and mentor the extern throughout the semester. Attorney Supervisors are expected to meet with the extern at the start of the

semester to discuss the extern's goals and expectations for the externship. Attorney Supervisor should meet at least weekly with externs in order to provide meaningful feedback and an opportunity to discuss observations, experiences, and other issues relevant to the profession.

3. Orientation: Externs will receive an orientation, including an overview of the mission of the organization, office policies and procedures, expectations, dress code, and confidentiality.

4. Logistics: Externs who work onsite should have a designated workspace, materials to do substantive work, and support reasonably necessary to complete assignments.

5. Virtual or Hybrid Work: Virtual or hybrid work is permitted if preapproved by the Director. Attorney Supervisors agree to meet remotely with virtual or hybrid externs at least once a week to provide feedback and guidance.

6. Work Assignments: Externs are given substantive legal projects, clear deadlines, and ongoing feedback. Attorney Supervisors should not schedule fieldwork or meetings that will prevent the extern from attending the externship course or any other law school course.

7. Observation: Externs will be offered opportunities for guided observation of lawyering activities such as staff meetings, client meetings, conference calls, conferences, client and witness interviews, depositions, court proceedings, legislative committee meetings, and other appropriate professional activities.

8. Diversity of Tasks: Externs should be given a substantial lawyering experience similar to the work given to an entry-level attorney, including exposure to a broad range of lawyering skills. The substantial lawyering experience can include performing legal research, drafting legal memoranda, case planning, trial preparation, policy development, and drafting orders, pleadings, and other court documents. Administrative work such as filing, photocopying, indexing, and answering phone calls will be kept to a minimum.

9. Feedback: Attorney Supervisors will provide specific, individualized, and timely feedback on work assignments. Attorney Supervisors should review the "Extern Final Evaluation" with the extern before the end of the externship.

10. Final Evaluation: Attorney Supervisors agree to evaluate the extern's work and submit the "Extern Final Evaluation" within fifteen (15) days of the final class. This written evaluation will be reviewed by the adjunct professor and factored into the extern's grade for the course. The adjunct professor will submit the extern's final grade to the Office of Law Registrar and Academic Services. Externship courses are graded pass/fail.

11. Student Practice: Attorney Supervisors understand and acknowledge that externs are not student-practitioners qualified under Rule 401, SCACR and cannot practice law, including but not limited to, giving legal advice or appearing in any court or before any administrative tribunal.

12. Conflicts of Interest: Attorney Supervisors should review with the extern any

potential conflicts of interest arising from prior or current legal work (including pro bono) and job and clerkship applications.

13. Compensation: Externs will not receive compensation for externship work except for reimbursement of reasonable out-of-pocket expenses related to the externship in accordance with ABA Standards. Any reimbursement should be preapproved by the Director.

14. Billing: The time an extern spends on work at an externship may not be billed to clients.

15. Conduct: Attorney Supervisors agree to observe the nondiscrimination and anti-harassment standard of conduct expected at the University of South Carolina. The University of South Carolina does not discriminate in educational or employment opportunities on the basis of race, sex, gender, gender identity, transgender status, age, color, religion, national origin, disability, sexual orientation, genetics, protected veteran status, pregnancy, childbirth or related medical conditions. Attorney Supervisors agree not to subject externs to any sexual, racial, psychological, physical, verbal, or other similar harassment or abuse.

16. Communication: Attorney Supervisors should contact the Director immediately with any questions, issues, or problems at nyes@law.sc.edu or (803) 777-1451.

B. Extern

1. Work Assignments: Externs agree to perform the work assigned by the Attorney Supervisor in a timely and professional manner.

2. Classroom Component: Externs must be enrolled in a companion externship course instructed by an adjunct professor that will allow ongoing, contemporaneous, guided reflection. In addition to working the required number of hours, externs must complete all class assignments and comply with the University of South Carolina Joseph F. Rice School of Law's attendance policy to receive academic credit for the externship.

3. Self-Reflection: Externs must submit reflective journal entries to both the adjunct professor and the Director weekly. In the journal entries externs should engage in a process of self-evaluation by reflecting on the observations, experiences, ethical considerations, and other issues that arise during the externship.

4. Time: Externs agree to establish a reasonable work schedule with the Attorney Supervisor at the beginning of the externship and will seek permission for any changes or modifications in the work schedule during the semester. Externs agree to maintain a detailed daily time record describing the placement activities. Externs must record their time daily via Clio, a cloud-based legal practice management software. Misrepresentations regarding work hours are subject to discipline under the University of South Carolina Joseph. F. Rice School of Law Honor Code.

5. Ethics: Externs agree to comply with the South Carolina Rules of Professional Conduct,

applicable provisions of the South Carolina Code of Judicial Conduct, the University of South Carolina Joseph F. Rice School of Law Honor Code, and other laws, rules, guidelines, or policies applicable to the externship.

6. Conflicts of Interest: Externs should reveal any potential conflicts of interest to the Attorney Supervisor that may arise from prior or current legal work (including pro bono) and job and clerkship applications. Judicial externs should not work for a law firm or lawyer(s) who practice before the supervising judge during the same semester as the externship unless the judge and law firm or lawyer(s) consent.

7. Confidentiality: Externs should not reveal any information deemed confidential by the Attorney Supervisor or any other site supervising attorney or judge. Confidential information, includes, but is not limited to, the following: (1) information regarding the identity of clients or other parties in interest to a legal matter; (2) information related to a legal representation of a client or other parties in interest to a legal matter; (3) information regarding a pending or impending proceeding in any court or administrative tribunal; and (4) any information concerning the business of the externship site to include, but not be limited to, financial and employment matters related to the externship site.

8. Professionalism: Externs agree to follow directions, seek clarification/instructions and advice in a timely fashion, and comport themselves with professionalism and integrity.

9. Judicial Externs: Judicial externs shall not make: (1) any public comment about a matter while a proceeding is pending or impending in any court or administrative tribunal that might reasonably be expected to affect its outcome or impair its fairness; or (2) any nonpublic comment that might substantially interfere with a fair trial or hearing. Judicial externs should not: (1) divulge any conversation or information regarding the business of the Court or any judge; (2) reveal the content of any judicial opinion, judicial order, unannounced decision, memoranda, or other writing; or (3) disclose any unannounced decision of the Court.

C. Director of Externships

1. Externship Placements. The Director will conduct a training, either virtual or in-person, of new Attorney Supervisors before an extern will be permitted to be enrolled in an externship course. The Director will remain in regular contact, including possible site visits, with the Attorney Supervisor and the extern to ensure the quality of the education experience.

2. Educational Quality and Integrity. The Director will review and monitor the extern's reflective journal entries, time entries, and end-of-semester evaluations to ensure the educational quality of the extern's experience. The Director will maintain regular communication with all Attorney Supervisors and adjunct professors via in-person conference, telephone, and/or email to monitor the extern's performance and ensure the quality of the externship experience.

3. ABA Standards. The Director will maintain sufficient control of the extern's experience to ensure the ABA Standards and Rules of Procedure for Approval of Law

Schools are met.

4. Records. The Director will maintain records to document the steps taken to ensure compliance with ABA Standards and the University of South Carolina Joseph F. Rice School of Law's academic policies. The records include, but are not limited to, the Memorandum of Understanding, time records, and final evaluations.

5. Communication: The Director agrees to be available to assist Attorney Supervisors, adjunct professors, and externs should any questions or concerns arise during the externship.

ACKNOWLEDGEMENT

By our signatures below, we acknowledge that we have reviewed and understand the roles set forth in the Memorandum of Understanding and agree to act in accordance with these responsibilities and expectations.

Attorney Supervisor Signature: _____ Date: _____
Address: _____
Email: _____
Phone Number: _____

Extern Signature: _____ Date: _____
Email: _____
Phone Number: _____

Director of Externships Signature: /s/ Stephanie A. Nye
Date: 7/26/2024
Email: nyes@law.sc.edu
Phone Number: 803-777-1451(office) 803-397-9072 (cell)

***Please return this signed form to Stephanie Nye, Director of Externships and Special Academic in Room 311 or via email at nyes@law.sc.edu*