STUDENT LAWYER
LAW STUDENT DIVISION • AMERICAN BAR ASSOCIATION

Five Ways to Seize Every Opportunity

Vol. 43 No. 7

By Erin Binns

Erin Binns is director of career planning at Marquette University Law School in Milwaukee.

Access to the inner workings of any legal employer is a gift. Take full advantage of every opportunity you have to be inside an organization as a law clerk, volunteer, or intern. While there, arm yourself with curiosity and observe, inquire, and evaluate. The observations you make and the people you meet can be impactful in charting the trajectory of your immediate and long-term career goals. Consider the five suggestions listed below to be a checklist that will help you maximize the takeaways from every placement and job.

1. Advance your résumé with diverse and interesting assignments. Certainly you need to respect the structure of an organization and its expectations for your role in it. You can't go rogue and file an appellate brief because you're tired of drafting discovery requests. You should, however, inquire about increased responsibilities as appropriate.

A second-year student shared, "I spent the beginning of my 1L summer drafting complaints and reviewing deposition testimony, which was fine, but I really wanted to end the summer with a solid writing sample. I asked my supervising attorney if there might be a chance for me to draft a memo or brief. She arranged an assignment and it went well, so by the end of the summer, I had two strong documents to use during fall recruitment season."

Another student commented, "I was placed with a trial judge for a semester as an intern and was disappointed because all I was doing was observing. I sat in the courtroom and watched and then sat in chambers and listened. I finally—very respectfully—asked the judge if I could maybe draft an order or do some

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research. He was fine with letting me try it, and said he'd never had an intern ask him before."

It's particularly important to advocate for your learning and growth if you've been with the same organization for several semesters. If your tasks are repetitive, thereby ensuring that the end date is the only dynamic part of the résumé entry, it's time to either campaign for new tasks or consider another position.

2. Build relationships. Network within organizations. BigLaw makes this easy with social calendars designed for this purpose. Networking within small firms, government agencies, and companies requires effort on your part. These organizations aren't wooing you for future employment, so they don't create infrastructures to facilitate introductions. That job is yours.

Commit to arranging informational meetings with attorneys with whom you're not already meaningfully interacting. Through emails or in conversation, ask lawyers if they have 20 minutes to talk. Legitimize your request by stating an interest in their practice area and overall experiences. Prepare for these meetings like you would for any informational interview. Research the lawyers and draft questions that substantiate your genuine interest in the individuals and their work.

Be approachable and available when you're in the office. A recent graduate highlighted the value of doing so. "I don't really drink coffee, but I would go to the kitchen area of the firm and get coffee anyway. It was an easy place to run into attorneys. I followed the pattern of a few of the attorneys, and I got to know some partners who I was told usually never interact with the firm's law clerk. One of these partners ended up taking some interest in me. After I left, he made a connection that resulted in a full-time job offer with another firm. I guess my advice is, 'drink coffee.'"

3. Invest in the work and the organization. Not every internship and job you'll have will be appealing. The work may not interest you. The organization's culture may not complement your personality and workplace preferences. The opportunity for full-time employment may not exist. Even in these instances, it behooves you to invest fully in the work and the organization. The interconnectivity of people and organizations in the legal community is considerable. It's rather reckless to write off any experience or relationship.

4. Observe and evaluate. An associate with a midsized firm noted, "I was nearly memo'ed to death as a student. All day, every week, all summer, I researched and wrote internal memoranda. I actually hesitated accepting the offer for

The ABA Law Student Division maintains several helpful resources for law students:

- Events & Competitions
- LLM Directory
- Study Abroad Directory

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Nicole Israel, 2013–14 Student Editor

permanent employment because I thought I might have memo burnout before I was 25. I'm relieved to report I have worked for the firm for 18 months and have only drafted one internal memorandum."

Pay attention to the junior and senior lawyers in the organizations where you clerk and intern. Their work and days are your future. Do you like what you see? Consider what tasks consume their time, how often they are out of the office and with clients, and whether what they're doing is something you might enjoy. Observing those ahead of you allows you to more accurately assess whether the nature of the work and the setting offer opportunities that will excite and motivate you toward achievement.

5. Be present. It's easiest to violate the "be present" principle in the context of for-credit internship placements. Temptations exist to front-load hour requirements early in the semester or to cram hours into a single day of the week. Doing so may create a more manageable schedule for you in the immediate semester, but it comes at a price. Approaching hour requirements like obligations rather than opportunities is unprofessional and undercuts your potential to optimize the experience. Frequent, positive, and meaningful interactions with lawyers are necessary in order to gain mentors and references. Moreover, time in the office is one way to stand out amongst the law students who came before you and those who are to follow.

If you're doing law school "right," you're busy. You're balancing copious demands. As you shuffle priorities and attach importance to your activities, be attentive to internships and jobs, especially those that occur during the academic term as they compete for your time. Don't squander opportunities to develop skills, gain insight, and build your network. Maximize each experience. Engage and achieve.

New York Law School

Austin Groothuis, Director
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Law Student Division
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State & Local Government Law

N756 - 34117
Indiana University
Robert H. McKinney School of Law
Fall 2017

Professor Cynthia A. Baker
Clinical Professor of Law
Lawrence W. Inlow Hall, Room 111L
cabaker@iupui.edu
(317) 278-2357

Administrative Support Specialist
Kyle Galster
Lawrence W. Inlow Hall, Room 206
kgalster@iupui.edu
(317) 274-0042

Class Meeting Times
Thursdays, 5:30 – 7:30 p.m.
Room: 267

Office Hours
Tuesdays, 2:00 – 4:00
or by appointment

Course Description:

Designed to build on a law student's substantive knowledge about legal issues facing state and local governments, this course explores government design (creation and scope of local governments and the interrelations of federal, state, and local governments), government resources (taxes, property, public finance tools), and the role of state and local governments in making law and setting public policy. Through classroom participation, collaborative exercises, and occasional (short) writing assignments, a student in this class will gain a better understanding of the operation of state and local governments, how those governmental entities use their powers to respond to public obligations, and the legal dynamics between the public and private sectors.

Learning Objectives:

At the end of the course, an engaged student should be able to:

1. Understand the interplay and distribution of power between state governments and their respective local governmental units;
2. Identify, define, and explain different types of local government entities and how their formation, boundaries, and design influence state and local government decision making;
3. Understand and explain how state and local government resources are collected and deployed;
4. Describe how a new experience exploring law and local government has contributed to the student's understanding of state and local government law;
5. Understand the basic legal contours of many public-private partnerships and inter-governmental relationships.

Contribution to the McKinney School of Law Educational Objectives:

Success in this course will contribute to your preparedness to:

1. Build upon an existing base of legal knowledge and skills to succeed in your chosen career path;
2. Exercise sound professional judgment and fulfill ethical responsibilities;
3. Demonstrate acumen in oral communication in the legal context;
4. Serve as a leader or contributing team member in professional settings;
5. Transition readily to law practice or other government, non-profit, or private sector employment; and,
6. Appreciate that excellence as a lawyer requires individual life-long effort.

Required Course Textbook: *Cases and Materials on State and Local Government Law*, 8th Ed. 2016, Richard Briffault & Laurie Reynolds, West Academic Publishing, ISBN 9780314285010

Class Meetings:

We will have class meetings on Tuesdays, 5:30 p.m. until 7:30 p.m. in room 267. We will have a ten-minute break about halfway through each class meeting.

Attendance Policy:

Regular and punctual class attendance is a mandatory. As stated in the student handbook, the general law school attendance policy provides that a student who is absent from more than 10 percent of classes or class meetings in any course may be dropped from the course at the discretion of the instructor. This class meets for 11 class periods. Two class meetings will be replaced with online modules and a reflective learning essay assignment. If you know in advance that you will miss a class meeting, I ask that you to furnish an explanation to me. Circumstances of the student's absence will be taken into account for purposes of assessment of the 10% of the student's grade that account for attendance and participation.

Please note that we will not be meeting as a class for three consecutive weeks in October. October 12th is your fall break; on October 19th I will be away from the law school, presenting at the International Municipal Lawyers Association Annual Meeting; October 26th is the eve of the Program on Law and State Government Symposium, which will require my full attention. The two missed class meetings will be replaced with online modules and a reflective learning essay assignment. We will reconvene on Thursday, November 2nd.

Office Hours:

I will make every effort to be available to meet with students after every class meeting. During our fall semester, I plan to be available for meeting with students on Tuesdays afternoons between 2:00 p.m. and 4:00 p.m. I also schedule blocks of student meeting times during every week. I encourage you to make an appointment with my assistant, Kyle Galster, if you would like to meet with me. If the designated student meeting times and office hours do not work with your schedule, I will make every effort to accommodate student meetings outside of these designated times.

Assessment: Formative assessment methods to measure and improve student learning and to provide meaningful feedback to students for this course include: ongoing assessment of student participation in-class, written (to the individual student) and oral feedback (class and/or on-line discussion) on the reflective learning essay assignment, and other feedback on student work for other short in-class or on-line assignments. Your success in this class will also be based on my assessment of your performance on the final exam.

Feedback and Grading: Thirty percent (30%) of the grade will reflect the student's performance on the reflective learning essay (20%) and other in class or on-line assignments (10%). Feedback on these assignments will be offered to students throughout the semester. Sixty percent (60%) of a State and Local Government Law student's grade will be determined by that student's performance on the final exam. Ten percent (10%) of the grade will reflect the student's attendance and participation in class. Feedback on these summative assessments will be available upon completion of the grades for the course.

Final Exam: The final examination for this course will be administered on Tuesday, December 5, 2017. The scheduled exam time is 5:30 p.m. The examination will be a closed book exam and will include both essay and short answer questions.

Academic Support: The Director of Academic and Bar Success offers academic support programs and resources to assist students with their academic success. Services include: individualized academic support, academic skills workshops, and law school study resources. The Academic and Bar Success program assists law students with improving study skills, learning strategies, and time management. Students seeking academic support are encouraged to contact Michele Cooley at mlofthou@iupui.edu or visit office 225.

Accommodations: Students who need accommodations because of physical or learning disabilities should contact Adaptive Educational Services (AES) located in Taylor Hall, room 137. For more information, visit the AES website at http://aes.iupui.edu/ .

Non-discrimination and Equality of Opportunity: Indiana University, the Robert H. McKinney School of Law, and Professor Cynthia Baker are committed to fostering and maintaining equality of opportunity for students, without discrimination or segregation on the basis of race, color, religion, national origin, gender, sexual orientation, age, or disability. More information on Indiana University's policy regarding a safe and harassment-free educational environment are available at this link:

http://stopsexualviolence.iu.edu/ . If you have experienced sexual misconduct, or know someone who has, please seek help through the Office of Student Affairs or with a confidential counselor at this link: http://stopsexualviolence.iu.edu/employee/confidential.html .

Counseling and Psychological Services (CAPS): Students who wish to seek counseling or other psychological services should contact the CAPS office by phone at 274-2548 or email at capsindy@iupui.edu. For more information, visit the CAPS website at http://studentaffairs.iupui.edu/health-wellness/counseling-psychology/ .

Syllabus[1]

8/24 **UNIT ONE: GOVERNMENTAL DESIGN**
Ch. I. Introduction to the Study of State and Local Government Law

Sec. A. States and Local Governments, pp. 1-16.

Think about: Think of specific examples of the types of governmental entities described in Section A. What are some challenges of representing governmental entities as clients that may differ from a lawyer's representation of private persons or entities?

Sec. B. The Vertical Distribution of Power Question, pp. 16-53.

Also assigned: excerpt from Hannah Arendt's book, On Revolution, posted on Canvas.

Think about: From the assigned essays and articles, choose one sentence or phrase that strikes you as something with which you heartily agree, heartily disagree, do not believe, or that stands out to you for some reason.

In addition, explore a current event that presents an issue of the vertical distribution of power between state and local governments. How might a decisionmaker's (e.g., an elected official, a county board of commissioners, a voter) use or application of one of the philosophies (that we read and prepared for class), versus the use another, influence the outcome of the event?

We'll base the class discussion on this section from your chosen starting points.

[1] See important course information, above and posted on Canvas, regarding attendance policy, grading, final exam, etc. Also, please note that two class meetings will be replaced with online modules and a reflective learning essay assignment.

8/31 **Sec. C. The State Constitution, pp 54- 71.**

Think about: How are state constitutions different from the U.S. Constitution? Can you think of an example where state constitutional differences may encourage "consumer voter behavior" described by Tiebout?

State Constitutional Convention I

The Massachusetts Constitution was adopted in 1780 and is thought to be the oldest functioning written constitution in the world.

Ch. II. Local Government in the American Constitutional Order, pp. 73-75.

Sec. A. Local Government as Agent of the State, pp. 75-87.

Hunter v. City of Pittsburgh
Gomillion v. Lightfoot
Nixon v. Missouri Municipal League

Please also read: Notes 1 and 5 following the primary cases, pp. 87-91.

9/7 **Sec. B. The American Polis: Local Government as Autonomous, Democratic Polity, pp. 107-156.**

Avery v. Midland County
City of Phoenix v. Kolodziejski
Holt Civic Club v. Tuscaloosa
Village of Belle Terre v. Boraas

Sec. C. Local Government as Quasi-Proprietary Firm, pp. 156-79.

Ball v. James
Kessler v. Grand Central District Management Association, Inc.

Please also read: Notes 6 and 7 following the primary cases, pp. 182-86.

Think about: Despite its basic appeal, the "one person, one vote" standard does not apply to many important government institutions and entities. Why is this so?

Think about: What are some similarities of, differences between BIDs (business improvement districts) and RCAs (residential community associations)? What is the interplay between these sorts of entities and their respective state and local governments?

9/14 **Ch. III. Local Government Formation and Boundary Change, p. 187**

Sec. A. The Significance of Local Boundaries, pp. 188-98.

Wit v. Berman
City of Pittsburgh v. Commonwealth of Pennsylvania

Sec. B. Municipal Incorporation, pp. 206-18.

White v. Lorings
In re Incorporation of the Borough of Bridgewater
In re Incorporation of Borough of New Morgan
In re Incorporation of the Borough of Chilton

Sec. C. Annexation and Boundary Change, excerpts from pp.222-62.

In the Matter of the Enlargement and Extension of the Municipal Boundaries of the City of Jackson, Mississippi

Harris Trust & Savings Bank v. Village of Barrington Hills

Read notes 1-6 on pp. 230-35, note 5 on 243-44, and notes 3 and 4 on pp. 261- 262.

9/21 **Sec. D. Boundary Change and the Right to Vote, pp. 262**

Board of Supervisors of Sacramento County v. Local Agency Formation Commission of Sacramento County

Note on Annexations and the Voting Rights Act, pp. 276-79.

To explore: In the years since *Shelby*, some state and local governments have passed new voting laws. Identify one or two examples when such laws have pitted local governments against state governments or urban areas against rural areas.

Sec. E. Special Districts, pp. 279-87.

State Farm Mutual Automobile Insurance Co. v. Lakewood

Think about: How does the proliferation of special districts influence democracy, voter participation, and your tax dollars?

*The number of special districts in the United States has nearly doubled since 1962, from approximately 18,000 in 1962 to over 35,000 today. Why might this be so?

Due on Canvas: Experiential Learning Activity & Topic for Reflective Learning Essay.

9/28 **Ch. IV. State and Local Relations**

Sec. A. Introduction: The Conflict between Plenary Power and Local Autonomy, pp. 289-92.

Sec. B. State Constitutional Limitations on State Supremacy, pp. 292-327.

Specht v. City of Sioux Falls

Read note 2 on classification by population, pp. 307-310.
Read note 5 on special legislation as "pilot programs," pp. 311-14.

Emerald Isle v. State
County of Los Angeles v. State

10/5 **Sec. C. Determining the Scope of Local Power,** excerpts from pp. 327-431.

Think about: Why do state governments give power to local governments? What is the law's role in establishing the best balance between state sovereignty and local autonomy?

1. Dillon's Rule to Home Rule

Read the introduction to this section (pp. 327-30) in its entirety, including the discussion of the *Early Estates, Inc. v. Housing Board of Review of City of Providence,* exemplifying a classic application of Dillon's Rule.

Marble Technologies, Inc. v. City of Hampton

State of Utah v. Hutchinson

2. Home Rule

Read the introduction to this section (pp. 346-51) in its entirety.

Illinois Restaurant Association v. City of Chicago (initiative/sword function)

Note on the "Private Law" Exception

Note of Local Living Wage Ordinances

Empire State Chapter of Associated Builders and Contractors, Inc. v. Smith

Read note 3. *Law and Politics* on pp. 430-31.

After a short break, we will reconvene with your respective state constitutional convention groups for State Constitutional Conventions Part II. The goal of this convention is to make progress on some of the substantive provisions of each state constitution (Article IV), including limits on legislative power and home rule. In advance of class, please review my comments to your group's current DRAFT constitution on our Canvas site. To access the draft with comments, you'll need to go to your group's homepage within the Canvas site.

Our class meeting will conclude with a brief discussion of Unit III.

10/12 **Fall Break**

10/19 **No Class Meeting.** Online module continuing our discussion of scope of local autonomy. Online module regarding Government Relationships Case Study (Unit III of this class).

10/26 **No Class Meeting.**

Reflective learning essays due

10/27 ***Fellowship Symposium***
State Governments' Role in Bridging the Urban/Rural Divide
Students attend FREE with registration by Monday, October 23.
https://mckinneylaw.iu.edu/registrations/registration550.cfm

11/02 **UNIT TWO: GOVERNMENT RESOURCES**

Ch. VI. State and Local Finance, pp. 661-63.

Sec. A. Public Purpose Requirements, read notes, pp. 677-87.

Sec. B. Revenues,

1. The Property Tax, pp. 688-91 and excerpts (as indicated below) from 688-825.

Know this: Ad Valorum Tax on Property (A x R = L).

Belas v. Kiga

Read note 4 (p. 709) which mentions Indiana's influential property tax case, *State Board of Tax Commissioners v. Town of St. John* and addresses assessing property based on the use, rather than the market value, of that property.

Skim: *Nordlinger v. Hahn* (majority and dissenting opinions)

Think about: How does property ownership change the nature of a citizen's relationship with his or her community? What laws strengthen these relationships? What laws weaken these relationships?

2. Non-tax Taxes, pp. 742.

a. Special Assessments

Supplemental Material: *Armour v. City of Indianapolis, Indiana,* 132 S. Ct. 2073, 566 U.S. ____ (2012).

11/09 **Sec. B. Revenues (continued)** excerpts (as indicated below) from 773-822

b. Regulatory Fees and User Charges, pp. 763-66

City of Gary, Indiana v. Ameritech Indiana
Bolt v. City of Lansing

c. Development Impact Fees: Making Growth Pay for Itself, pp. 794-97.

3. Other Revenue Sources, pp. 822-26.

Sec. C. Borrowing and Debt Limitations, pp. 826-31.

1. The Enforcement of State and Local Debt Obligations, p. 831.

   Flushing National Bank. v. Municipal Assistance Corporation for the City of New York

2. State Constitutional Limitations on Debt, pp. 853-57.

3. The Rise of Non-Debt Debts

   Convention Center Authority v. Anzai (example of the special fund doctrine).

11/16 **UNIT THREE: GOVERNMENT RELEATIONSHIPS**

Case study reading/viewing assignment to be announced (based on earlier, class consensus)

Discussion of case study.

11/23 **Thanksgiving**

11/30 **Conclusion of case study discussion, Constitutional Convention III.**

The final exam for this class will be administered on Tuesday, December 5, 2017 at 5:30 pm

Program on Law and State Government
Externship Course

D802 – 21126
Indiana University
Robert H. McKinney School of Law
Fall 2017

Professor Cynthia A. Baker
Clinical Professor of Law
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(317) 278-2357

Faculty Assistant
Kyle Galster
Lawrence W. Inlow Hall, Room 206
kgalster@iupui.edu
(317) 274-0042

Class Meeting Times
Select Wednesdays, 11:40 a.m. – 12:35 p.m.
Conference room 103

Office Hours
Tuesdays, 2:00 – 4:00 or
by appointment

Welcome to this semester's Program on Law and State Government Externship Course. This course is designed to enhance and complement your arranged externships within Indiana's state government.

Course Description: This externship course integrates your externship experiences with academic exploration of substantive Indiana law, government structure, and process. In addition, this course explores the realities of being a public lawyer, legal aspects of public decisionmaking, and skills of professionalism such as completing an externship agreement, keeping accurate time logs of your externship time, document submission, and participating in your own professional development plan. Through individual assignments, class discussion, individual tutorials, and one reflective learning essay, students will learn about the practice of law within Indiana's state government and about what it is to be a public lawyer.

Learning Objectives: At the end of this course, an engaged student should be able to:

1. Better understand the practice of law within the state government setting;
2. Use and test skills of legal research, legal writing, case analysis, and statutory construction in the context of a state government legal office;
3. Participate in hearings, work on administrative appeals, assist in rule and statute drafting under the supervision of an attorney;
4. Communicate legal conclusions and recommendations of legal work to supervising attorneys and state policymakers;
5. Observe how various state agencies carry out statutory mandates, create regulations, defend agency actions in administrative hearings, and comment to drafted legislation;
6. Experience how the ethical, policy, and legal issues of the governmental process entwine to affect Indiana's government and the practice of law within that government;
7. Develop his or her ability to learn from experience and manage his or her own professional development and education;
8. Set and meet individual educational objectives; and,

9. Make strides toward fulfillment of our law school's educational objectives: build upon an existing base of legal knowledge to succeed in the student's prospective career path; exercise sound professional judgment and fulfill ethical responsibilities; exhibit a high degree of competence in legal analysis, reasoning, research, and writing; demonstrate acumen in oral communication in the legal context; transition readily to law practice or other government, non-profit, or other private sector employment; leverage a network of professional relationships; and, appreciate that excellence as a lawyer requires individual life-long effort.

Textbook: There is no textbook for this course. Beyond this syllabus, important information about your externship experience and resources for this course are on the Program on Law and State Government website and the Canvas site for this course.

A**ttendance Policy**: Because we only have six class meetings and two individual tutorials, attendance to all of our class meetings and both individual tutorials is mandatory. Failure to be prepared for or to miss a scheduled class meeting or individual tutorial will negatively influence your grade.

Assessment: As indicated in your individualized externship agreements, you will receive a letter grade for the one credit class component of the course and a satisfactory (S) or unsatisfactory grade (F) for the externship placement component of the course. The letter grade is based on a 100 point scale, with each assignment, class, and tutorial worth 5 points (for a total of 70 points) and your essay, worth 30 points. The externship grade (S or F) is assessed based on two things:

- the quality and timeliness of your submissions of your externship agreement and your completed and satisfactorily prepared externship time logs, and,
- your supervising lawyer's mid-semester and end-of-semester evaluations of the quality of your legal externship work and the level of professionalism that you bring to your legal externship.

Final Exam: There is no final exam for this course.

Program on Law and State Government
Externship Course Syllabus
Fall 2017

Wednesday, August 23

Class Meeting: **Law, Governance, and Government**

Introductions, course orientation, and draft externship agreements.

After introductions and discussion of your respective externship agreements, we will discuss your externship clients. Be prepared to explain the statutory and/or constitutional authority and the mission for the agency or office of your externship placement. What or who, in your opinion, is your client? What relevant laws and texts shape this client? What does your client do or create or regulate and by what processes? With what other organizations, institutions, or individuals does it interact?

To do: obtain public record assignments.

Wednesday, August 30

No Class Meeting – second full week of externships.

Due: Submit at least three specific educational objectives per Canvas assignment directions.

Prepare and present your DRAFT externship agreement, with your individualized educational objectives, to your supervising attorney for his or her review, amendment, and, eventually, signature.

Wednesday, September 6

No Class Meeting

Due: Having reviewed (and, perhaps, revised) your individualized agreement, educational objectives, and responsibilities with your supervising lawyer(s), submit a hard copy of your signed (by you and your supervising lawyer) agreement to Ms. Kyle Galster or me; also, please submit an electronic copy (no signatures needed on that) to Canvas.

Wednesday, September 13

Class Meeting: Indiana's Public Records Act in Focus

This class meeting explores the structure of Indiana's public records access laws and their influence in public business and decision making.

Reading Assignment: Read Section 3, Section 4, and applicable sections of the Access to Public Records Act in the Handbook on Indiana's Public Access Laws at: http://www.in.gov/pac/handbook/

Due: Bring physical copies of: a complaint of interest to you and filed with the Indiana Public Access Counselor in 2017; an advisory opinion issued by Indiana's Public Access Counselor; the public record or records that you were assigned to obtain; and a 1-2 page explanation of your tale of access (or denial of access?) to class. Your submission should identify the legal exception to, or statutory provision for, access to your public record. Be prepared to discuss how your public records quest informed your vision of law and state government. What did you learn? How did the law help you? Hinder you? Surprise you? See Canvas site for discussion questions.

To do: Sign up for individual tutorials.

Wednesday, September 20

No Class Meeting.
Individual Tutorials with Faculty Advisor, arranged.

Individual Tutorial Agenda: your externship work, your externship time log, your educational objectives for the balance of the semester (IDP).

Wednesday, September 27

Class Meeting: How State Agencies Influence Policy: Administrative Adjudication and Rules

This class meeting will explore the structure of Indiana administrative law (as codified in I.C. 4-21.5 and I.C. 4-22).

Due: Class Meeting Assignment: Be prepared to present your administrative law project (as assigned on Canvas) at our class meeting. This assignment involves significant reading and clicking around before you begin your work on the project. Please let me know if you have any questions!

Wednesday, October 4

Class Meeting: State Budget: Law, Policy, and Reality

This class meeting will explore the process of preparing, executing, and auditing Indiana's state budget.

Reading Assignments: The Budget Process (click miscellaneous, on the "Budget Information" options), budget graphs, and information about the current biennial budget

('17 – '19) for the State of Indiana: http://www.in.gov/sba/2655.htm). Click around! See what you can see!

Due: Assignment - Prepare a one-page synopsis of the budget of a state office or agency of your choosing. Graphs and charts may be attached. What are the sources of the money for the state agency activities (general fund/dedicated fund/property tax/sales tax/fees/fines)? How is the money spent? How does the budget reflect the goals of the agency? What principles of governance are reflected in the agency budget? How does the budget for this Indiana agency compare with the budgets of a similar agency in at least two other states?

Mid-semester conversations with supervising lawyers

During this week and your fall break, I will be having mid-semester conversations with your respective supervising attorneys about the quality of your legal work and the level of professionalism that you bring to your externship. Please make me aware of any concerns or issues regarding your externship placement right away, but certainly before Friday, October 6th.

To do: Schedule second individual tutorial with faculty advisor.

Wednesday, October 11

No Class Meeting: Fall Break! Enjoy!

NOTE: Reflective Learning Essay prompts and guidelines will be posted on Canvas.

Wednesday, October 18

No Class Meeting

Due: Reflective Learning Essay Topic – Submit working title of your essay and a short description of your essay topic to Canvas.

Monday, October 23

Due: Class Meeting Assignment on Professional Judgment and Public Service

Wednesday, October 25

Class Meeting: Professional Judgment and Public Service

This class discussion will focus on the role of law and state government structure in public decision making.

Due: To help prepare for class discussion, please submit a copy of news article, link to information, or your personal observations about a specific instance of decision making by lawyer within the executive or legislative branches of Indiana's state government to Canvas by **5:00 p.m. on Monday, October 23rd.**

In addition to your example of decision making by a lawyer, please submit your written responses to the following questions: What most influenced the decision: law (substantive or procedural?), legal advice, money, individual personalities, politics, other? How did the decision you explore influence the decision maker after the decision had been made? How did the decision affect the relevant government unit? The citizens of Indiana?

Friday, October 27

Fellowship Symposium
State Governments' Role in Bridging the Urban/Rural Divide
Students attend FREE with registration by Monday, October 23.
https://mckinneylaw.iu.edu/registrations/registration550.cfm

Wednesday, November 1

No Class Meeting.
Use externship course time to improve and refine your essay and attachments. Please let me know if you have any questions.

Wednesday, November 8

DUE: Reflective Learning Essay
Submit hard copy of your essay to Kyle Galster; submit electronic copy of your essay to Canvas.

Wednesday, November 15

Class Meeting: Public Lawyering through the Externship Lens
Be prepared to share some reflections on public lawyering based on your externship experiences, your perspectives on law and state government, and managing life balance as a lawyer, public or private.

Wednesday, November 22

No Class Meeting. Thanksgiving Break! Enjoy!

Wednesday, November 29

No Class Meeting.

Individual Tutorials, Arranged.

Individual Tutorial Agenda: Your reflective learning essay, your externship experience as a whole, how this externship course and your externship experience, together, met or failed to meet the educational objectives (of the school, this course, and your own), and your expectations about our shared profession.

Due: Physical Copies of Completed Semester Hour Time Accounting Records and your completed and reviewed Agency Supervising Attorney's Evaluation of Extern Performance. If you have not already given these documents to me, please submit these to Kyle Galster on or before Wednesday, December 6th.

EXTERNSHIP AGREEMENT FOR THE PROGRAM ON LAW AND STATE GOVERNMENT EXTERNSHIP OF [STUDENT'S NAME] AT THE [PLACEMENT] FOR THE FALL SEMESTER OF 2017

This agreement sets forth the educational objectives, information about the new (August 2016) American Bar Association standards for externship courses, and expectations for the participants of the Program on Law and State Government externship course for [student] at the [placement] for the [semester of year]. For this externship experience, the supervising attorney is [name], [title] at the [office/department]. The faculty advisor for this externship is Cynthia Baker, Director of the Program on Law and State Government and Clinical Professor of Law. [Student] seeks [2/3 (pick)] credits through [his/her] externship and one additional experiential credit for the PLSG externship course.

The signatures of these three participants, below, acknowledge their mutual understanding of their respective responsibilities and their commitment to the educational objectives of this externship course. Success in reaching the educational objectives of the course and the externship depends on collaboration and communication between and among the externship student, the supervising attorney, and the faculty advisor throughout the externship semester.

I. EDUCATIONAL OBJECTIVES

The educational objectives of the Program on Law and State Government (PLSG) externship course include offering externship students the opportunity to:

a. Learn about the practice of law within the state government setting;
b. Use and test skills of legal research, legal writing, case analysis, and statutory construction in the context of a state government legal office;
c. Participate in hearings, work on administrative appeals, or assist in rule and statute drafting under the supervision of an attorney;
d. Communicate legal conclusions and recommendations of legal work to supervising attorneys and state policymakers;
e. Observe how various state agencies carry out statutory mandates, create regulations, defend agency actions in administrative hearings, and comment to drafted legislation;
f. Experience how the ethical, policy, and legal issues of the governmental process entwine to affect Indiana's government and the practice of law within that government;

TEMPLATE

g. Develop their ability to learn from experience and to manage their own education;
h. Set and meet the student's individualized educational objectives, as outlined here, and as further developed with an individualized development plan (IDP) as the semester progresses. I, [student name] seek to learn specifically during this externship semester, the following:
   i.
   ii.
   iii. . . . .; and,

i. Make strides toward fulfillment of our law school's educational objectives: build upon an existing base of legal knowledge to succeed in the student's prospective career path; exercise sound professional judgment and fulfill ethical responsibilities; exhibit a high degree of competence in legal analysis, reasoning, research, and writing; demonstrate acumen in oral communication in the legal context; transition readily to law practice or other government, non-profit, or private sector employment; leverage a network of professional relationships; and, appreciate that excellence as a lawyer requires individual, life-long effort.

II. AMERICAN BAR ASSOCIATION STANDARDS FOR EXTERNSHIPS

As of August, 2016, the ABA standards for externships include ABA Standard304(c), synopsized here:

(c) An externship course provides substantial lawyering experience that (1) is reasonably similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks . . . under the supervision of a licensed attorney or individual otherwise qualified to supervise and (2) includes the following:

i) direct supervision of the student's performance by a faculty member or site supervisor;
ii) opportunities for performance, feedback from either a faculty member or site supervisor, and self-evaluation;
iii) a written understanding among the student, faculty member, and a person in authority at the field placement that describes both (A) the substantial lawyering experience and opportunities for performance, feedback, and self-evaluation; and (b) the respective roles of faculty and any site supervisor in supervising the student and in assuring the educational quality of the experience for the student, including a clearly articulated method of evaluating the student's academic performance;
iv) a method for selecting, training, evaluating, and communicating with site supervisors, including regular contact between the faculty and site supervisors through in-person visits or other methods of communication that will assure the quality of the student educational experience.

TEMPLATE

v) a classroom instructional component, regularly scheduled tutorials, or other means of ongoing, contemporaneous, faculty guided reflection;
vi) evaluation of each student's educational achievement by a faculty member; and,
vii) sufficient control of the student experience to ensure that the requirements of this standard are met. The law school must maintain records to document he steps taken to ensure compliance with the Standard, which shall include, but is not necessarily limited to, the written understandings described in Standard 304(c)(iii).

An internet link to ABA Standard 304 is: ABA Standards regarding the Program on Legal Education

III. COURSE FORMAT

The externship course and placement comprise four components:

a. A required number of hours at the externship placement or doing externship activities and related work (50 hours per credit hour sought; therefore, [150 or 200] hours per semester);
b. At least six mandatory class meetings, including assignments, coordinated by the faculty advisor;
c. At least two individual tutorial meetings between the student and the faculty advisor during the course of the semester; and,
d. Reflective learning conversations and essay, as assigned.

IV. PARTICIPANT RESPONSIBILITIES

The three main participants in the externship course are: the PLSG student, the faculty advisor, and the supervising attorney. Success in reaching the educational objectives of the course depends on the main participants and the interrelationship between and among them. Outlined below are the course responsibilities of the participants.

a. The PLSG student extern is responsible for:
   i. Spending [pick one!] one hundred (100) or one hundred fifty (150) hours, fifty (50) hours per externship credits sought, during the semester in externship placement activities and related work. Externship placement activities and related work includes, e.g., being present at the assigned field placement and/or addressing the legal assignments from the supervising attorney.
   ii. Spending 50 hours over the course of the semester on externship course work. Externship course work includes: editing and finalizing this agreement, completing documentation of your externship and course hours for submission and review, preparing for and attending the class

TEMPLATE

meetings, preparing for and attending individual meetings with the faculty advisor, and completing class meeting and reflective learning assignments. Course hours may also include externship placement hours and related work, including those completed at a location other than the externship placement office. The course hours may be spent in the externship field office or at another location (e.g., law school library, law school computer center, a home office) as long as the time is spent doing externship activities and related work. Off-site externship work will be held to the same standards of accountability and quality as externship work performed at the externship placement site;

iii. Immediately identifying any potential conflicts of interest between the externship placement and other interests to supervising lawyer and faculty advisor and resolving the real or potential conflicts of interest as soon as practicable;

iv. Understanding that the externship work performed this semester, whether paid or unpaid, is being done for academic credit, which requires direct supervision of the student's work by an attorney;

v. Understanding the externship placement's procedures for receiving and handling confidential information, including that confidential information may not be disclosed except as authorized by the supervising lawyer and that, under Indiana law, penalties may be enforced if he or she knowingly or intentionally discloses confidential information to any person not authorized to receive it;

vi. Sharing individual development plan (IDP) with faculty advisor and supervising lawyer in the first half of the externship semester;

vii. Completing the reflective learning assignments and other class assignments assigned by the faculty supervisor;

viii. Preparing for and participating in at least six (6) class meetings scheduled to be held at the law school;

ix. Preparing for and attending two (2) individual or small group tutorial sessions with the faculty advisor; and,

x. Submitting accurate time logs accounting for the student's time working at the externship placement and working on externship activities and related work. Time logs will be due to the faculty advisor at individual meetings, as an occasional online assignment, and at the conclusion of the semester.

xi. Submitting the completed Supervising Attorney Evaluation form to the faculty advisor upon the conclusion of the semester.

b. Supervising Attorney is responsible for:

i. Orienting the PLSG extern to the office before or during the first week of the externship semester, including a discussion of office procedures and, specifically, a discussion of office and/or department procedures for receiving and handling confidential information;

ii. Immediately communicating any actual or potential conflicts of

TEMPLATE

interest that the student extern may have, develop, or discover with the externship placement with the supervising lawyer and faculty advisor;

iii. Working with the externship student to establish and implement a work plan in accordance with the educational objectives of this course, the extern's individual development plan (IDP), and that is in alignment with the externship site's mission and needs;

iv. Providing skills training opportunities to the extern by assigning legal projects to the student, reviewing the student's legal work, and providing constructive feedback to the student extern;

v. Providing a variety of challenging tasks that draw on the student extern's legal skills throughout the course of the placement;

vi. Meeting regularly with the student extern to discuss matters pertinent to the student's work and the student's understanding of the legal process;

vii. Giving specific, meaningful feedback to the student extern during the course of the placement;

viii. Allowing student, when feasible, to participate in, and not merely observe, legal or strategic decision-making processes;

ix. Notifying faculty advisor in a timely manner regarding any problems or concerns about the student extern or his or her work at the externship placement;

x. Understanding that the externship student is earning academic credit for their externship work, whether paid or unpaid.

xi. Understanding that the externship placement is under no obligation to pay students for their time as a function of this academic externship. The law school will not become involved in any negotiations or disputes regarding payment for externships.

xii. Conducting a brief assessment of the student extern's performance at mid-semester and communicating the assessment to the faculty advisor;

xiii. Evaluating the student's performance and work product in writing at the end of the externship semester, reviewing the written evaluation with the student extern, and making the written evaluation available to the student extern for final submission to the faculty advisor; and

xiv. Complying with all relevant laws and regulations including the Fair Labor Standards Act.

c. Faculty Advisor is responsible for:

i. Overall coordination and administration of the externship placement course, including the development, monitoring, and maintenance of the agreement between the law school, the student, and the externship placement;

ii. Coordinating the class component of the course;

iii. Maintaining communication with the law student and the supervising attorney regarding the quality of the externship semester for all involved;

TEMPLATE

iv. Reviewing students' time logs;
v. Conducting at least two individual or small group tutorials with each student during the course of the semester;
vi. Assigning, reviewing, and assessing the class meeting assignments, the externship time logs, and the reflective learning assignments;
vii. Giving meaningful feedback to the student on his or her work through Canvas, individual meetings, or as a part of class discussions;
viii. Assessing externship students' course work for a grade for one credit of the externship course (based on the quality of the assigned class meeting and reflective learning assignments, quality, accuracy, and professionalism of the assigned time logs, and the quality of the externship students' participation in the class and individual meetings); and,
ix. Assessing whether the student earned a passing or failing grade for the externship (based on consultation with the supervising attorney about midway through the semester, an assessment of the written supervising lawyer's evaluation form of the student's legal externship work, submitted by the student at the end of the semester, and an assessment of the student's externship time logs, including the time log's demonstration of the student's meeting or failing to meet minimum the number of hours required to be spent at the field office and doing externship course activities and related work).

V. ASSESSMENT AND EVALUATION OF STUDENT PERFORMCE

a. Formative assessment and evaluation by the faculty advisor includes review of and feedback on the student's work on this agreement, time logs, and course assignments. Formative assessment by the supervising lawyers is encouraged as a part of the student's externship work and is an integral component of the two individual tutorials that are a part of this course.

TEMPLATE

b. Summative assessment and evaluation includes:
    i. A grade (Satisfactory/Unsatisfactory) for the [2 or 3] credit externship course upon the conclusion of the semester. This grade will be awarded by the faculty advisor based on whether the student satisfied all of the requirements of the externship course, taking into account whether the student met and properly accounted for the number of hours required to be spent at the field office and doing externship course activities and related work, submitted the completed and signed supervising attorney's evaluation of the extern, and the supervising attorney's written substantive evaluation of the student's externship work at the conclusion of the semester.
    ii. A letter grade for the one credit externship course. This letter grade will be based on the quality of the student's work on the class meeting and reflective learning assignments, the professionalism, quality, and accuracy of the required externship time logs, the quality of the student's participation during the mandatory class meetings, and the quality of the student's contributions to discussions in individual meetings with the faculty advisor.

_____ _____

[student] Date
[year] Program on Law and State Government
Legal Extern
[contact information – email and phone #]

_____ _____

[supervising attorney] Date
[title]
[office]
[contact information – email and phone #]

_____ _____

Cynthia Baker, Director Date
Program on Law and State Government
Clinical Professor of Law
Faculty Advisor
cabaker@iupui.edu
317.278.2357

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TEMPLATE

Supervising Attorney's Evaluation of Student Extern's Performance

Program on Law and State Government
Externship Course

Fall 2017

PLSG Externship Student's Name_____

Date_____

Placement Agency or Office _____

Name and Title of Supervising Attorney_____

1. Describe the quality of the student's legal work?

   Excellent 5 4 3 2 1 Poor

   Comments:

   _____

   _____

   _____

2. How well did the student grasp the underlying legal principles of his or her work?

   Very well 5 4 3 2 1 Poor

   Comments:

   _-_____-

   _____-

   _____

3. Was the student responsible (e.g., punctual and reliable)? *Check one*

   ( ) At all times ( ) Most times ( ) Only when asked ( ) Never

   Comments:

   _____-

   _____-

   _____

4. Please describe the student's attitude. (e.g., motivation, initiative, enthusiasm, confidence, participation in office activities, relations with others)

Comments:

_____-

_____-

_____

5. Please evaluate the student in the following areas below:

Scale: 3—consistently 2—usually 1—almost never 0—not applicable

Is the PLSG externship student:

___ competent with basic research skills?

___ thorough and accurate in research?

___ producing practical and useful work product?

___ able to blend law and facts into a cohesive legal work product?

___ able to solve problems by developing and implementing a plan of action?

___ writing clearly, precisely and persuasively?

___ speaking well and easily understood?

___ able to communicate well with other lawyers?

___ able to communicate well with clients?

___ able to recognize common ethical dilemmas?

___ able to meet deadlines and manage time?

___ showing enthusiasm for assigned externship work?

___ showing courtesy and respect to all staff?

___ demonstrating a professional demeanor?

___ demonstrating cooperation and accommodation to the needs of the office?

6. Please describe student's strengths as a lawyer as demonstrated by his or her legal work.

_____-

_____-

_____-

7. Did you see the quality of the student's legal work improve over the course of the semester? _____Yes _____No

8. If not, what advice do you have for the student in terms of improving their ability to do better legal work?

_____-
_____-
_____-

9. In what areas do you recommend the student focus his or her efforts toward further development of legal skills?

_____-
_____-
_____-
_____-

_____ _____
PRINTED Name of supervising attorney Date

_____ _____
Signature of supervising attorney Title

I have received a copy of this evaluation, and have reviewed it with my supervising attorney.

_____ _____
Signature of PLSG Externship Student Date

Note to student: A hard copy of this completed and signed evaluation form and your completed externship course time logs are due to Kyle Galster or me on or before Wednesday, December 6, 2017.

Teaching Externships:
Bringing Our Students and Their Educational Objectives to the Real World of Lawyers

August 1-2, 2017

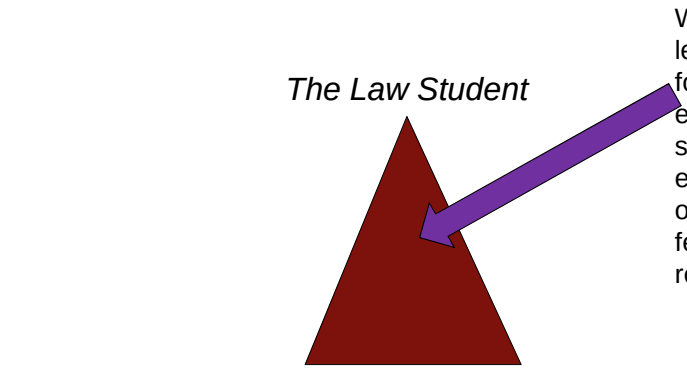


ROBERT H. McKINNEY SCHOOL OF LAW
INDIANA UNIVERSITY
Indianapolis

Teaching Externships: Overview

- ABA Standards, particularly: 304(c)
- Educational Objectives for Externships
- Ideas for teaching, communication, meaningful feedback, and ABA compliance.

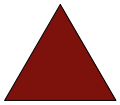
Visualization for an Externship



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Externships – ABA Standards

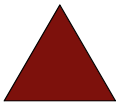
- ABA Standard 304(c):
  - A "substantial lawyering experience" outside of a law clinic and supervised by a licensed attorney or someone otherwise qualified to supervise a lawyering experience (e.g., a judge).



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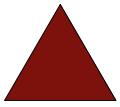
Externships – ABA Standard 304(c)

- The externship site supervisor or faculty member, in some combination, must provide:
  - Direct supervision of the law student's legal work;
  - Opportunities for performance, feedback, and self-evaluation.



Externships – ABA Standard 304(c), continued

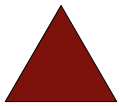
A written understanding among the student, faculty member, and supervising lawyer (or judge, or "person in authority" at the externship placement)



Externships – ABA Standard 304(c), continued

Written agreement needs to describe:

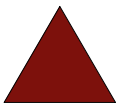
- substantial lawyering experience and opportunities for performance, feedback, and self-evaluation
- The respective roles of the student, the supervising lawyer, and faculty member in assuring the educational quality for the student, including how the student's work will be assessed.



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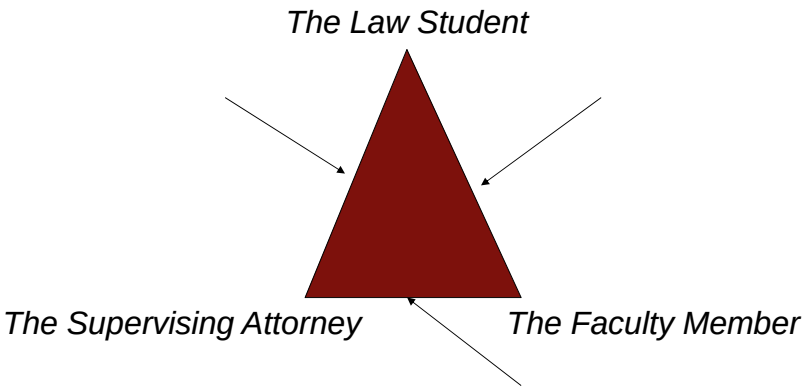
Externships – ABA Standards

- ABA Standard 304(c), continued:
  - *Communication* with supervising lawyers for each externship, including regular contact between the faculty and site-supervisors through in-person visits or other methods of communication that will assure the *quality of the student educational experience*.



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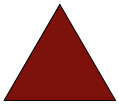
Critical: Lines of Communication!!!!!



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Externships – ABA Standards

- ABA Standard 304(c), continued:
  - A classroom component, *or* regularly scheduled tutorials, *or* other means of ongoing, contemporaneous, faculty-guided reflection.



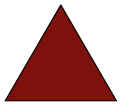
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Externship Design: So Many Options!

- Agreement
- Presence, scope of work at externship
- Educational Objectives
- Syllabus content (e.g., substantive law, professional identity, workplace culture and ethics, rules of professional responsibility, legal skills, bias in the profession, client relationships, professionalism, legal writing, learning from supervision, etc.)
- Time logs
- Assessment: quizzes, essays, presentations, final examinations
- Reflection: peer reviews, self-reflection, assessment of externship
- Class meetings (actual or virtual)
- Individual tutorials (actual or virtual)
- Phone conferences
- Conferences/Receptions
- Feedback (forms, email, regular reports, professional meetings)
- Participant manuals, handbooks, webinars, tutorials, websites . . . .
- ???

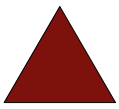
Externships – ABA Standards

- ABA Standard 304(c), continued:
  - An evaluation of each student's educational achievement by a faculty member



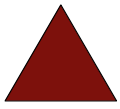
Externships – ABA Standards

- ABA Standard 304(c), continued:
  - "The law school must maintain records to document the steps taken to ensure compliance with the Standard, which shall include, but is not necessarily limited to, the written understandings . . . ."



Externships – Educational Objectives

- Student's educational experience and objectives should be at the center of the externship
  - Our law school's educational objectives for externships
  - A program's educational objectives (judicial externships, not-for profit externships, sports related externships)
  - Individual student objectives



Teaching Ideas?

- Plan an arc of communication for the semester
- Use technology to your advantage!
- Pilot and share teaching ideas

Thank you!

Panelists:

Dean Andrew Klein
Clinical Professor Joel Schumm
Clinical Professor Cynthia Baker

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