

# NORTH CAROLINA CENTRAL UNIVERSITY SCHOOL OF LAW

## PATHWAYS TO PRACTICE I & II

### MEMORANDUM OF UNDERSTANDING & DUTIES FORM

**Student Name:** \_\_\_\_\_ **Placement Agency:** \_\_\_\_\_  
**Pathways I** \_\_\_\_ **Pathways II** \_\_\_\_ (*check one*) **Credit Hours** \_\_\_\_\_ **Term** \_\_\_\_\_ (*semester/year*)  
**Supervising Attorney Name** \_\_\_\_\_ **Email:** \_\_\_\_\_  
**Supervising Attorney Number** \_\_\_\_\_ **\*Externship Start Date** \_\_\_\_\_ **\*End Date** \_\_\_\_\_  
**Externship Format** (*check one*) **In-person** \_\_\_\_\_ **Remote** \_\_\_\_\_ **Hybrid** \_\_\_\_\_

**Instructions:** *This Memorandum of Understanding must be executed for every externship. Failure to submit a signed memorandum will result in the student not receiving approval for the course.*

#### GENERAL OVERVIEW OF COURSE

*Pathways to Practice* is a course designed to enhance traditional classroom instruction by engaging students in real life lawyering experiences with practicing lawyers and judges. Through this course, students have the opportunity to immerse themselves in a specific area of practice to “learn while doing”. The course aims to train students to examine legal doctrines and legal skills in the context of field placement.

The course comprises of two components:

1. An externship
2. Conventional class format

Students receive academic credit for participating in an externship with one of our partner placements for a set number of hours for the semester, as well as completion of class requirements at the law school. Externship placements include (but are not limited to) law firms, courts at both the federal and state levels, government agencies, corporations, and other legal agencies. Designated attorneys at the placements serve as supervisors for the law students in the externship, providing direction, guidance, and feedback as the student progresses through and completes assigned projects. The Pathways Professor works alongside supervising attorneys to instruct and educate students on the skills sets and professional tools needed in the practice of law.

Through work with the supervising attorney and the Pathways Professor, the student will critically examine their learning strategies, professional goals, and progress. The Pathways Professor guides and facilitates students’ exploration of their externship experience through class lecture, discussion, written reflection, simulations, and periodic assessments.

Students participating in Pathways are immersed in a particular area of the law by working on live cases and legal matters with experts in the field. Pathways promotes students’ understanding of professional responsibility through intentional discussion of ethical and moral issues arising in the practice of law. In the process, the student develops key lawyering skills such as (but not limited to)

- legal analysis,
- research and writing,
- interviewing and counseling,
- negotiation,
- policy making and,
- both informal and formal advocacy.

**Externships are a three-way relationship: The law student performs legal work that is assigned, supervised and evaluated by the field placement supervisor(s). The faculty supervisor monitors the progress of the student's professional development and teaches and grades the work assigned in the student's classroom component with input from the placement supervisor. The Supervising Attorney, Student, and Program Faculty Director/Professor agree to the following terms:**

#### **RESPONSIBILITIES FOR ALL PARTICIPANTS:**

1. All parties agree and acknowledge the following conditions for North Carolina Central University School of Law School's Externship Program, *Pathways to Practice*, is in accordance with ABA Guidelines.
2. All parties agree the student is the primary beneficiary of the Pathways course. All parties agree the purpose of the course is to allow the student to learn, develop, and grow through the externship experience of work as a lawyer.
3. All parties agree the student will perform fieldwork primarily at the placement site (virtual work permitted) on a regular schedule, which allows the student to complete the required fieldwork hours while also permitting the student to attend required classes and other school obligations for the applicable semester.
4. All parties understand that this is an externship which allows the student to earn academic credit for a "substantial" lawyering experience as defined below.

#### **SUPERVISING ATTORNEY RESPONSIBILITIES:**

Supervising attorney(s) agrees to follow the educational goals and program guidelines below:

##### **1. Supervision:**

- Supervising attorney (SA) accepts primary responsibility for overseeing the student's externship experience.
- SA will participate in directing, monitoring, and mentoring the extern throughout the semester/summer session.
- SA understands they are expected to meet at least weekly with the student but will make themselves available to the student as needed.
- SA will monitor all the student's work progress including any work assigned by other associated attorneys.

**\*SA will meet with student (*check one*):** Daily (*when in office*)  Weekly  Bi-weekly

##### **2. Orientation:**

- SA will ensure the student receives an orientation, including a discussion of office procedures culture, and confidentiality, as well as an overview of the work and expectations of the externship.

##### **3. Externship Schedule:**

- SA agrees to provide at minimum the externship hours required based on the credit hours enrolled for the *Pathways* course. The following chart delineates the number of hours required per the number of credits enrolled.
- Externship hours are scheduled at times mutually convenient to the student and the supervisor. While most work is expected to be performed at the supervising attorney's workplace, some work (*e.g.*, research, and writing) may be performed elsewhere subject to the supervising attorney's approval. Remote placements are also permissible.
- *\*Note ABA rules do not prohibit law students from receiving compensation for work performed during an externship for which they receive academic credit.*

Number of Course Credits	Minimum Externship Hours	Maximum Hours Allowed Before First Day of Semester	Average Hours Per Week (14 Week Semester)
Two (2)	80	8	6
Three (3)	120	12	9
Four (4)	160	16	12
*Five (5)	200	20	15

*\*Only available during Summer Semester (average hours based upon 11-week summer semester)*

#### 4. Resources:

- SA agrees to provide the student with adequate workspace at the placement site (or virtual resources) and the necessary tools for the student to complete assignments.

#### 5. Goal setting:

- SA will meet the student at the start of the semester to discuss the student's learning goals for the externship.

#### 6. Work Assignments:

- SA will inform the student of the system for assigning work projects, give clear deadlines, and give ongoing guidance for managing the workload.
- SA will provide the student with meaningful and challenging legal work that 1) exposes the student to the variety of legal tasks and issues that a lawyer in this practice regularly confronts and 2) allows the student to develop legal skills, legal judgment, ethical sensibilities, and problem-solving skills.
- SA agrees the student will be assigned tasks representative of work typically assigned to an entry-level attorney at the placement, including opportunities to perform a variety of legal tasks and exposure to a variety of issues regularly encountered at the placement in the context of actual cases, legal assignments and projects.
- **Substantive Legal Work Requirement:**
  - While the field of law is broad, the externship work and placement should reflect substantively legal work.
  - *Under ABA Standards, externs should engage in the work of a "junior attorney," which includes both opportunities to engage in and to observe others performing legal work. Typical activities include conducting legal or factual research; conducting client or witness interviews; drafting memoranda and other legal documents; reviewing and preparing transactional documents; attending a negotiation, business meeting, or court hearing; observing attorneys performing lawyering activities; or discussing an experience with a supervising attorney, judge, or colleague. Students are not permitted to engage in administrative, repetitive, or non-substantive legal tasks on a regular basis. Additionally, the student must be supervised by a licensed attorney at the placement to provide, review and approval case assignments.*
  - Supervising attorney agrees the student ordinarily will not be assigned to perform clerical, secretarial, or paralegal work (e.g., filing, copying, library updating) that is of little or no instructional/educational legal value or is otherwise incommensurate with law school credit.

#### 7. Feedback:

- SA agrees to meet regularly with the student throughout the semester, to assign and review work, to provide opportunities for reflection on the student's experience, and to provide meaningful feedback, including feedback from other attorneys who may have interacted with the student.
- SA agrees to assign work that requires timely and specific feedback and to ensure the feedback is substantive in nature according to the learning objectives set forth at the beginning of the semester, and agrees to meet with the student extern throughout the semester to provide formative feedback.

- SA will ensure prompt completion of midterm and final evaluations, and prompt cooperation and communication with the faculty supervisor and externship program administrator as requested.
- SA will also meet with the student (a) at the mid-point of the semester to discuss the student's progress and (b) at the end of the semester to provide a final assessment of student's performance and complete the *Supervising Attorney Evaluations*.

#### **8. Learning Opportunities:**

- SA agrees to offer the student opportunities, as appropriate, to participate in and observe all aspects of placement cases or projects, which may include but not limited to meetings and consultations, client or witness interviewing, case planning, discovery, fact investigation, drafting, negotiation or settlement, and court or tribunal proceedings.

#### **9. Time Logs:**

- SA agrees to review, confirm, and sign the student's weekly timesheets throughout the semester for submission to the *Pathways to Practice* Professor.

#### **10. Legal Compliance:**

- SA agrees to be responsible for ensuring that their labor and employment practices are in compliance with state, local, and federal laws as related to the externship.

#### **11. Student Practice Certification Rule (formerly known as the 3L Practice Rule):**

- Practice certification allows externs to serve clients of qualified field placements as a protégé, lead counsel, or a member of a lawyer team. Formerly known as the 3L Practice Rule, the *Student Practice Certification Rule* and process, which is governed by the NC State Bar, allows law students the opportunity to gain practical experience into the practice of law during law school. The certification applies to law students in externships (academic credit received) or internship (no academic credit received) who are working either in a law firm, governmental entity, or organization and will
  1. Provide legal advice or services in matters governed by North Carolina law to eligible persons, or
  2. Provide legal advice or services to government agencies outside the organization, entity, agency, or law firm or,
  3. Appear before any North Carolina tribunal or agency on behalf of an eligible person or a government agency. (Rule .0208(a))
- Eligible persons are defined under the rule as persons who are unable financially to pay for legal advice or services as determined by a standard established by a judge of the General Court of Justice, a legal services organization, government entity, or a clinical legal education program. (Rule .0202(b))

#### **12. Required Class Component:**

- SA understands that the student is enrolled in the required externship course as part of the externship program, which is taught by the Faculty Supervisor and that the student will be required both to submit regular class assignments to the Faculty Supervisor and participate in a weekly class session with the other externship students.

#### **13. Externship Faculty Follow-up:**

- SA agrees if any moments for development in the classroom or if a problem occurs, SA will contact Director Lakethia Jefferies at Lgjefferies@ncu.edu or (919) 530-7166.

## STUDENT PRACTICE CERTIFICATION SUPERVISOR ACKNOWLEDGEMENT

\*\*\*As the site supervisor, you acknowledge you have read the North Carolina [Student Practice Certification Rule](#) and indicate the student listed above **does**        **fall within the scope of the rule and must become a certified legal intern OR**        **does not fall** within the criteria for certification.

**If the student does in fact fall within the scope of the certification rule, you, the supervising attorney will complete the [Supervising Attorney Certification](#) form and return it to the student for submission by the course registration deadline.**

### STUDENT RESPONSIBILITIES:

Student agrees to follow the educational goals and course guidelines stated herein:

#### 1. Professionalism:

- The student has read and agrees to adhere to the [Rules of Professional Conduct](#) and other rules, guidelines, or policies applicable to the placement, including protecting all confidential and privileged information of the placement site and its clients;
- The student also agrees to follow directions, seek clarification and advice in a timely fashion and work assignment, and comport myself with the professionalism and integrity.

#### 2. Goal setting:

- Student agrees to create S.M.A.R.T goals on how they plan to develop academically and professionally and will discuss these with their *Pathways* Professor and site supervisor(s).
- Student agrees to work with their Supervising Attorney to create objectives for the externship and discuss a plan by which to achieve those objectives;

#### 3. Externship Schedule:

- Student agrees to set a regular work schedule with Supervising Attorney and seek permission for any changes or modifications in the placement schedule;
- Student agrees to work at minimum the externship hours required based on the credit hours enrolled for the *Pathways* course.
- The following chart delineates the number of hours required per the number of credits enrolled.
- Externship hours are scheduled at times mutually convenient to the student and the supervisor. While most work is expected to be performed at the supervising attorney's workplace, some work (e.g., research, and writing) may be performed elsewhere subject to the supervising attorney's approval. Remote placements are also permissible.
- *\*Note ABA rules do not prohibit law students from receiving compensation for work performed during an externship for which they receive academic credit.*

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*\*Only available during Summer Semester (average hours based upon 11-week semester)*

#### 4. Work Assignments:

- Student agrees to (a) perform work assigned by Supervising Attorney in connection with the externship placement and (b) maintain timesheets describing externship activities;

#### 5. Academic Requirements:

- The student agrees to attend all class sessions and complete all required readings, evaluations, and/or other assignments required by the *Pathways to Practice* program.

## 6. Self-Reflection:

- Student will reflect on the observations, experiences, ethical considerations, and other issues that arise during the externship.
- As directed by the *Pathways to Practice* program, the student will submit journals analyzing their experiences. In so doing, the student will be mindful of their confidentiality obligations as a legal professional.

## 7. Self-Assessment:

- The student will strive to self-assess all assignments. In so doing, the student will consider what they did effectively and identify areas for improvement.
- Where possible and appropriate, the student will discuss their self-assessment with the professor and site supervisors.
- The student will be open to feedback from their supervisors and professor and will consider how it can be applied specifically and globally to their future work.

## 8. Student Practice Certification Rule:

- Formerly known as the 3L Practice Rule, the Student Practice Certification Rule and process, which is governed by the NC State Bar, allows law students the opportunity to gain practical experience into the practice of law during law school. The certification applies to law students in externships (academic credit received) or internship (no academic credit received) who are working either in a law firm, governmental entity, or organization and will
  - Provide legal advice or services in matters governed by North Carolina law to eligible persons, or
  - Provide legal advice or services to government agencies outside the organization, entity, agency, or law firm or,
  - Appear before any North Carolina tribunal or agency on behalf of an eligible person or a government agency. (Rule .0208(a))
- Eligible persons are defined under the rule as persons who are unable financially to pay for legal advice or services as determined by a standard established by a judge of the General Court of Justice, a legal services organization, government entity, or a clinical legal education program. (Rule .0202(b))
- As the extern, you acknowledge that you have read Student Practice Certification Rule and discussed your externship work duties and assignments with your supervising attorney to determine if your role falls within the scope of the Student Practice Certification Rule.

## PATHWAYS PROFESSOR RESPONSIBILITIES

The *Pathways to Practice* professor agrees to the following:

1. The professor oversees and instructs the *Pathways to Practice* course to ensure the educational quality of the student's experience, to evaluate the student's academic performance, and to comply with ABA standards and rules pertaining to experiential coursework and field placement programs.
2. The professor agrees to provide to all externship students with class instruction and assignments to ensure on-going, concurrent, faculty-guided reflection and externship assessment.
3. The professor will regularly meet with students to assess progress toward educational goals, and will review and evaluate students' timesheets, objectives, other written and oral assignments, and overall educational achievement.
4. The professor agrees to provide the Supervising Attorney information, materials, periodic training and contact to assist the Supervising Attorney in compliance with *Pathways* guidelines.
5. The professor agrees to be available to assist the student and/or Supervising Attorney if questions or concerns arise during the externship.

**NORTH CAROLINA CENTRAL UNIVERSITY SCHOOL OF LAW**  
**PATHWAYS TO PRACTICE I & II**  
**EXTERNSHIP DUTIES FORM**

**STUDENT EXTERN NAME:**

**SITE PLACEMENT:**

**SUPERVISING ATTORNEY'S NAME:**

**SUPERVISING ATTORNEY EMAIL:**

*Instructions: In the space below, please set forth the student extern's substantive legal duties, in detail including the legal practice area, that will be performed during the placement. Please attach additional sheet(s) if necessary.*

**Substantive Legal Work Requirement:**

*Under ABA Standards, externs should engage in the work of a "junior attorney," which includes both opportunities to engage in and to observe others performing legal work. Typical activities include conducting legal or factual research; conducting client or witness interviews; drafting memoranda and other legal documents; reviewing and preparing transactional documents; attending a negotiation, business meeting, or court hearing; observing attorneys performing lawyering activities; or discussing an experience with a supervising attorney, judge, or colleague. Students are not permitted to engage in administrative, repetitive, or non-substantive legal tasks on a regular basis. Additionally, the student must be supervised by a licensed attorney at the placement to provide, review and approval case assignments.*

**STUDENT EXTERN SUBSTANTIVE LEGAL DUTIES**

***By signing below, both the student and supervising attorney(s) affirm the information listed above is true and substantially reflects the legal duties performed during the externship.***

**PARTY AGREEMENT:**

**SUPERVISING ATTORNEY SIGNATURE:**

**DATE:**

*\*Typing your name above qualifies as your electronic signature for the purposes of certifying this form. A confirmation email will be provided to both signing parties acknowledging your certification of this form.*

**STUDENT EXTERN SIGNATURE:**

**DATE:**

*\*Typing your name above qualifies as your electronic signature for the purposes of certifying this form. A confirmation email will be provided to both signing parties acknowledging your certification of this form.*

***This form must be uploaded to the online [Pathways to Practice Course Application](#) by the designated deadline following the student extern's placement approval. Hard copies are not accepted.***

***Thank you for participating in Pathways to Practice.***