

CLEA Externship Committee Report: Survey of Schools on Payment of Students for For-Credit Externships

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Introduction and Background

In March 2018, the CLEA Externship Committee conducted a survey to gather information on how law schools have responded to the 2016 revisions to ABA Standards 304 and 305, which removed the prohibition on paid externships. The survey was CLEA's follow-up to a brief 2017 survey. The 2017 survey responses suggested that schools were still in the initial stages of thinking about how to respond, if at all, to the standards change, which made this second survey necessary.

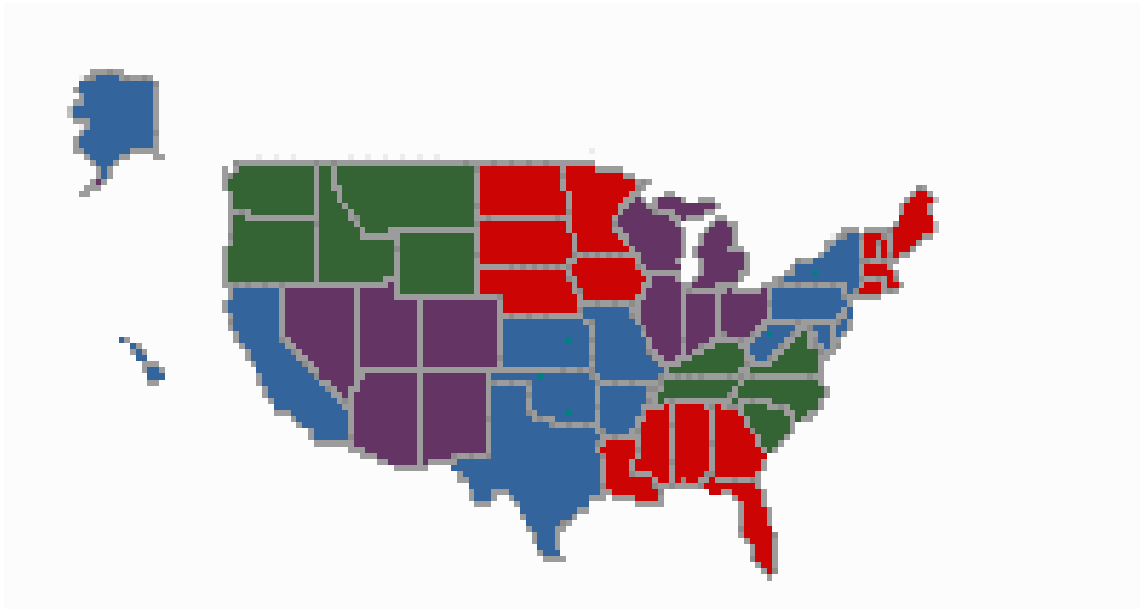
This report follows CLEA's webinar entitled, "Paid Externships: Choices and Challenges," which was held on May 16 and June 7, 2018. A recording of the webinar content is available on LexternWeb (www.lexternweb.org) here: <https://www.lexternweb.org/webinars>

The following five sections provide an overview of responses; responses related to compensated externships; responses related to funded externships; responses related to reimbursements; and suggestions for next steps. The terms "compensated externships," "funded externships," and "reimbursements" are defined in the survey itself. (We attach the text of the survey, including these definitions and all survey questions, as an appendix.)

Overview of Responses

151 schools responded to the March 2018 survey. We placed the reporting schools into one of 10 regions for purposes of this report. A map and a list of the regions is provided below.

For the 151 schools that responded to the survey, the regional breakdown is as follows in order of response rate: Mid-Atlantic (29), Deep South (20), Great Lakes (19), Pacific (18), South Central (17), New England (12), Mid-South and Northwest (10), Upper Plains (7), Southwest (6), and U.S. Territory (1). In addition, we received responses from two International law schools.



Source: <https://www.50states.com/city/regions.htm>

Pacific

Alaska
California
Hawaii

Northwest

Idaho
Montana
Oregon
Washington
Wyoming

Great Lakes

Illinois
Indiana
Michigan
Ohio
Wisconsin

New England

Connecticut
Maine
Massachusetts
New Hampshire
Rhode Island
Vermont

Upper Plains

Iowa
Minnesota
Nebraska
North Dakota
South Dakota

Southwest

Arizona
Colorado
Nevada
New Mexico
Utah

South Central

Arkansas
Kansas
Missouri
Oklahoma
Texas

Deep South

Alabama
Florida
Georgia
Louisiana
Mississippi

Mid-South

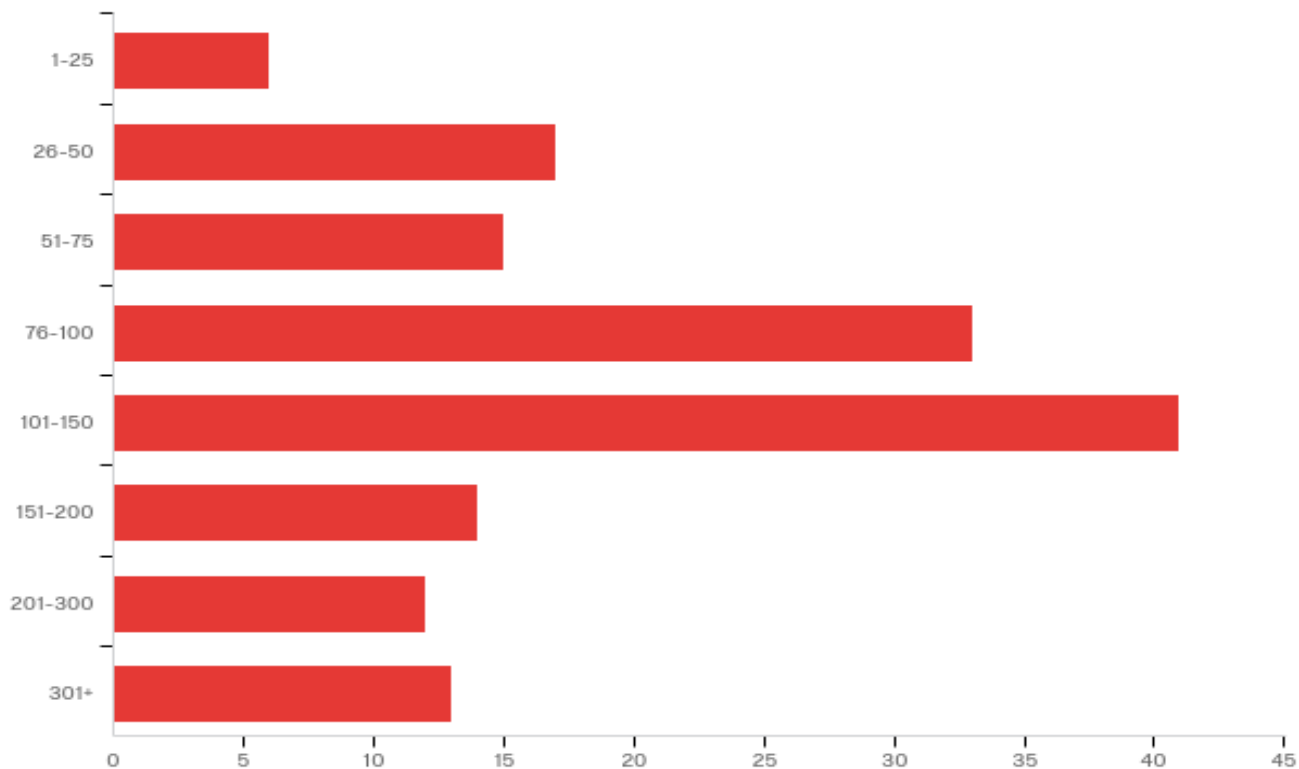
Kentucky
North Carolina
South Carolina
Tennessee
Virginia

Mid-Atlantic

Delaware
Maryland
New Jersey
New York
Pennsylvania
West Virginia

Almost half of the schools (49%), reported the total number of students enrolled in a credit-bearing externship during the 2017-18 academic year to be within the 76-150 student range. That said, the enrollment numbers covered a wide range.

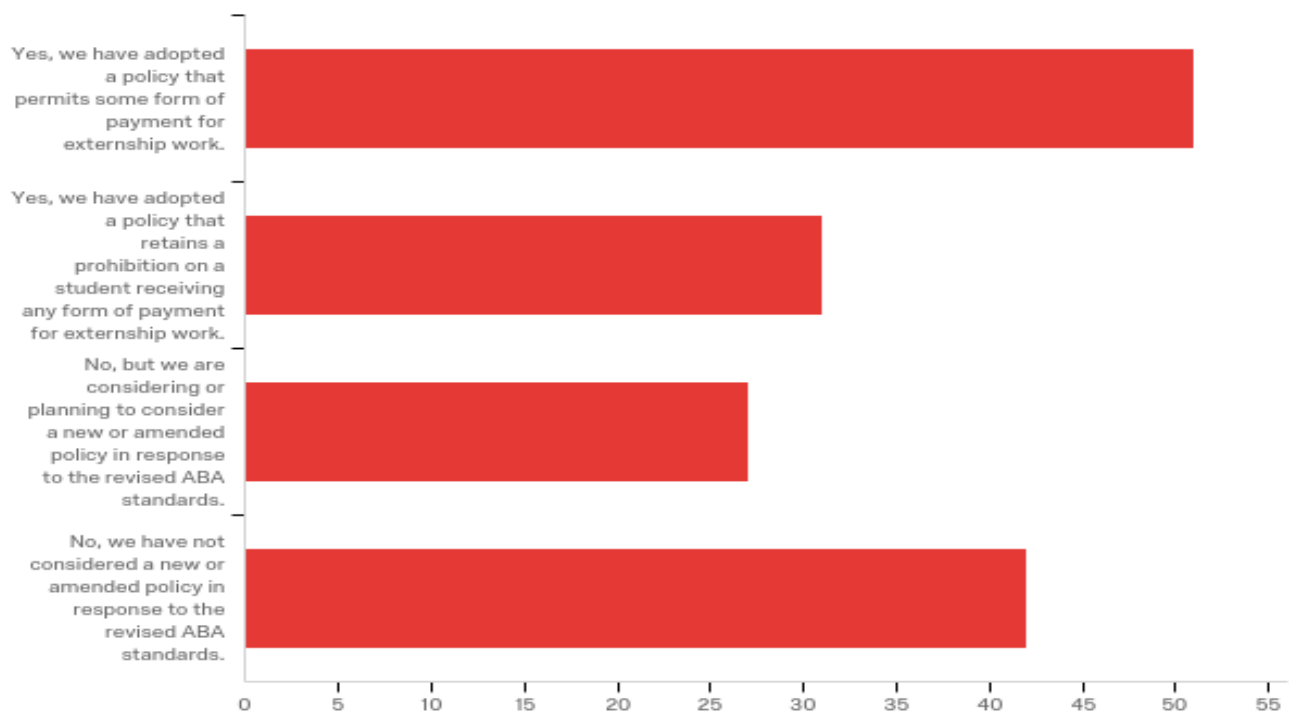
Total number of students enrolled in a credit-bearing externship at your school in the academic year that includes summer 2017, fall 2017, and spring 2018: (Q6)



#	Answer	%	Count
1	1-25	3.97%	6
2	26-50	11.26%	17
3	51-75	9.93%	15
4	76-100	21.85%	33
5	101-150	27.15%	41
6	151-200	9.27%	14
7	201-300	7.95%	12
8	301+	8.61%	13
	Total	100%	151

Of the 151 schools that responded to the survey, 82 or just over half (54%) have adopted a policy in response to the August 2016 revisions to ABA standards 304 and 305 regarding compensating students for work performed in credit-bearing externships. Of those schools that adopted a policy, 51 (34% of total survey responses) permit some form of payment while 31 (21% of total survey responses) adopted a policy that retains the prohibition on a student receiving any form of payment for externship work. All schools that reported the timing of when a new policy took effect indicated a timeframe between Fall 2016 and Fall 2017. Of the schools that have not adopted a policy in response to the August 2016 revisions, 42 (28% of total survey responses) have not considered a new or amended policy while 27 (18% of total survey responses) are considering or planning to consider a new or amended policy. Those schools retain the ban on paid externships for the time being.

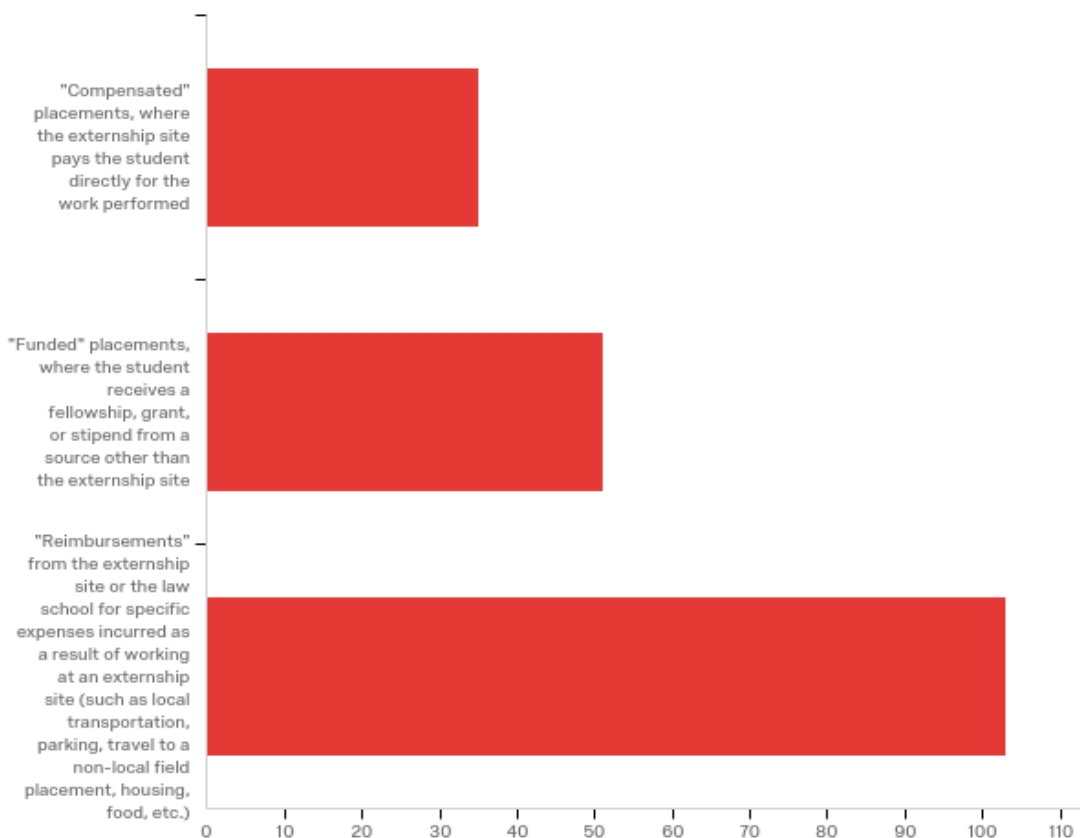
My school has adopted a policy (whether permissive or restrictive) in response to the August 2016 revisions to ABA Standards 304 and 305 regarding compensating students for work performed in credit-bearing externships. (Q8)



#	Answer	%	Count
1	Yes, we have adopted a policy that permits some form of payment for externship work.	33.77%	51
2	Yes, we have adopted a policy that retains a prohibition on a student receiving any form of payment for externship work.	20.53%	31
3	No, but we are considering or planning to consider a new or amended policy in response to the revised ABA standards.	17.88%	27
4	No, we have not considered a new or amended policy in response to the revised ABA standards.	27.81%	42
	Total	100%	151

Of the 151 schools that responded to the survey, 35 or just under a quarter (23%) reported that they allow compensated placements (defined as those placements where the externship site pays the student directly for the work performed), 51 allow funded placements (defined as placements where the student receives a fellowship, grant, or stipend from a source other than the externship site), and 103 schools permit expense reimbursements in some form.

My school currently allows the following in connection with credit-bearing externships (SELECT ALL THAT APPLY): (Q15)



#	Answer	%	Count
1	"Compensated" placements, where the externship site pays the student directly for the work performed	18.52%	35
2	"Funded" placements, where the student receives a fellowship, grant, or stipend from a source other than the externship site	26.98%	51
3	"Reimbursements" from the externship site or the law school for specific expenses incurred as a result of working at an externship site (such as local transportation, parking, travel to a non-local field placement, housing, food, etc.)	54.50%	103
	Total	100%	189

Compensated Externships

Of the 151 schools that responded to the survey, 35 or just under a quarter (23%) reported that they allow compensated placements (defined as those placements where the externship site pays the student directly for the work performed). This section reports on the percentages of schools that allow compensated placements by region and ranking tier; the total students enrolled in programs that allow compensated placements; whether the programs monitor the amount students are paid and the amount of that payment; the types of placements in which students are permitted to receive compensation and are actually compensated; the impact, if any, compensated placements have had on program enrollment and resources; the changes programs have made to policies and procedures as a result of permitting compensated externships, if any; and the experience programs have had with compensated placements.

Looking at the results by region, the Southwest (50%) and the Upper Plains (42%) have the highest percentage of schools in the region allowing compensated externships while the Mid-Atlantic (7%) had the lowest percentage of schools in the region allowing compensated externships.

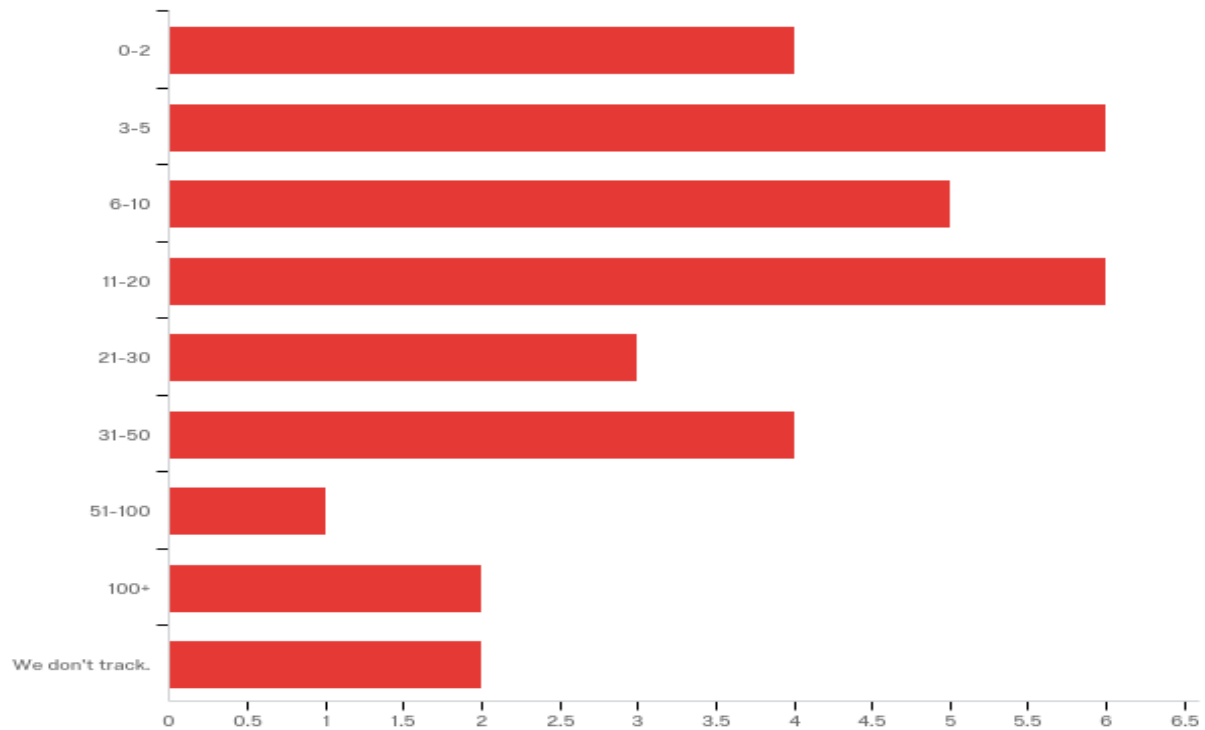
Region	Total Compensated	Total # of Schools Represented in Each Region	Percentage of Schools in Region Who Allow Compensated
Deep South	4	20	20%
Great Lakes	6	19	32%
Mid-Atlantic	2	29	7%
Mid-South	2	10	20%
New England	4	12	33%
Northwest	3	10	30%
Pacific	6	18	33%
South Central	2	17	12%
Southwest	3	6	50%
Upper Plains	3	7	42%

The schools listed as “Ranking Not Published” are almost half as likely to have adopted a policy allowing compensated placements. Perhaps more notable is that the majority of schools in each ranked tier had not adopted compensated externships.

Law School Ranking	Total # of Schools with Compensated Externships	Total # of Schools Represented in Each Ranking Tier	Percentage of Schools within Each Tier That Allow Compensated
#1-50	5	38	13%
#51-100	6	35	17%
#101-150	8	37	22%
RNP	16	36	44%
Unranked	0	5	0%

Of the schools that had students in compensated placements during the 2017-18 academic year (including summer 2017, fall 2017, and spring 2018), the number of total students was well distributed.

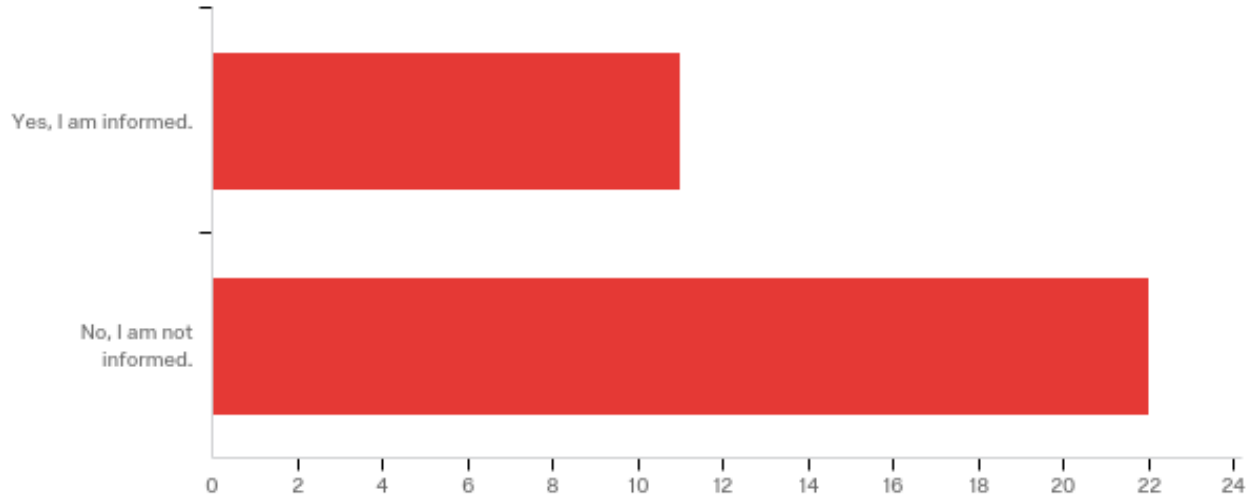
If your school allows "Compensated" placements, how many total students enrolled in a compensated placement in the academic year that includes summer 2017, fall 2017, and spring 2018: (Q20)



#	Answer	%	Count
1	0-2	12.12%	4
2	3-5	18.18%	6
3	6-10	15.15%	5
4	11-20	18.18%	6
5	21-30	9.09%	3
6	31-50	12.12%	4
7	51-100	3.03%	1
8	100+	6.06%	2
9	We don't track.	6.06%	2
	Total	100%	33

More than half the schools are not informed about how much their students are being compensated. That is, more than half do not seem to require students to report the compensation they receive.

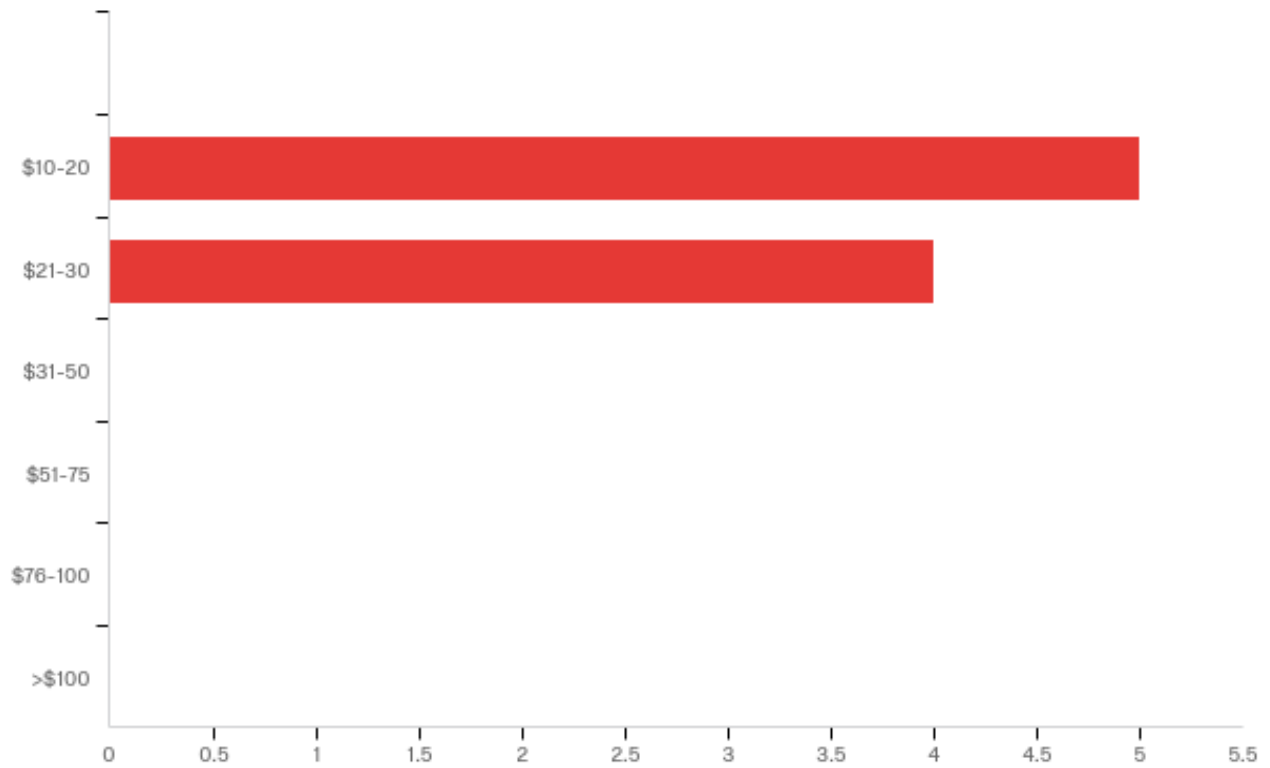
If your school allows "Compensated" placements, are you officially informed how much students are getting paid, and what is the average hourly rate? (Q21)



#	Answer	%	Count
1	Yes, I am informed.	33.33%	11
2	No, I am not informed.	66.67%	22
	Total	100%	33

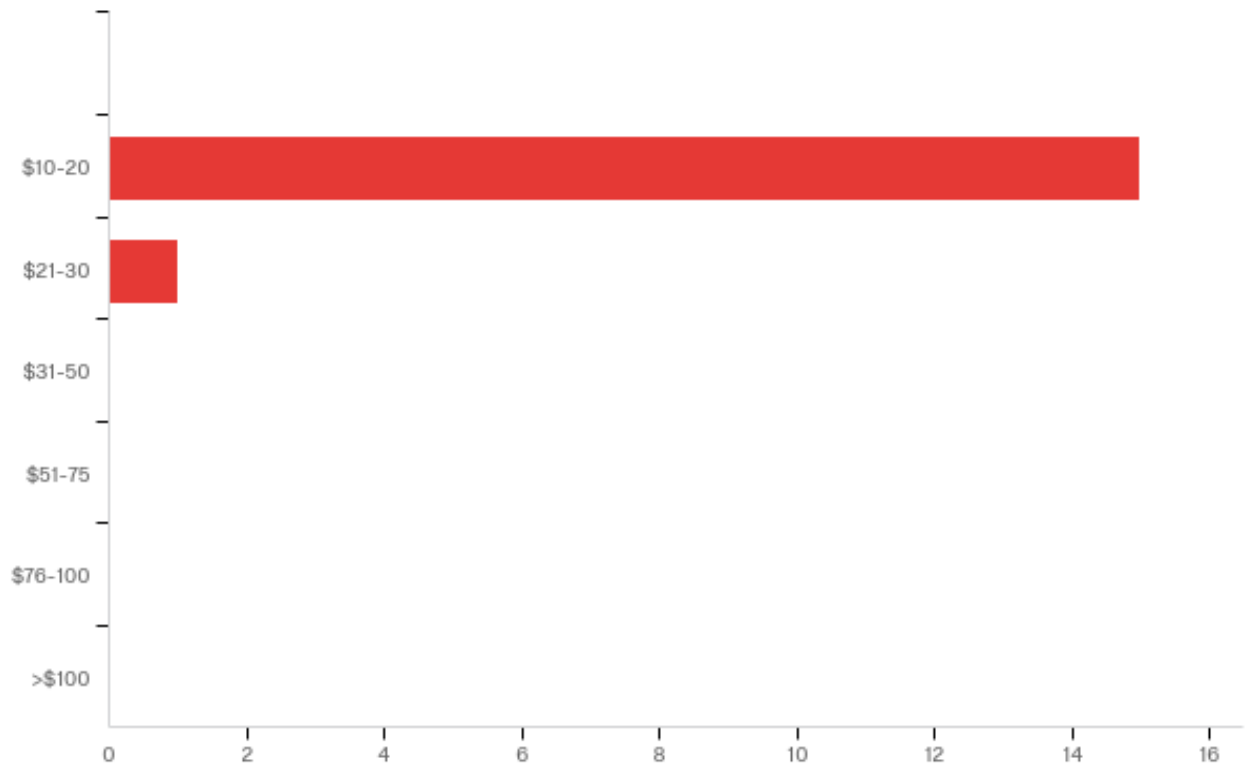
Of the schools who are informed about the amount of compensation students receive, the range was relatively narrow and evenly split: 5 schools reported students received between \$10-20/hour and 4 schools reported students received between \$21-30/hour. No schools reported other amounts. Almost all of the schools that estimated the amounts students receive in compensation estimated the amount to be between \$10-20/hour. Only one school estimated the amount to be between \$21-30/hour.

I calculate the average hourly pay to be: (Q22)



#	Answer	%	Count
2		0.00%	0
3	\$10-20	55.56%	5
4	\$21-30	44.44%	4
5	\$31-50	0.00%	0
6	\$51-75	0.00%	0
7	\$76-100	0.00%	0
8	>\$100	0.00%	0
	Total	100%	9

I estimate the average hourly pay to be: (Q23)

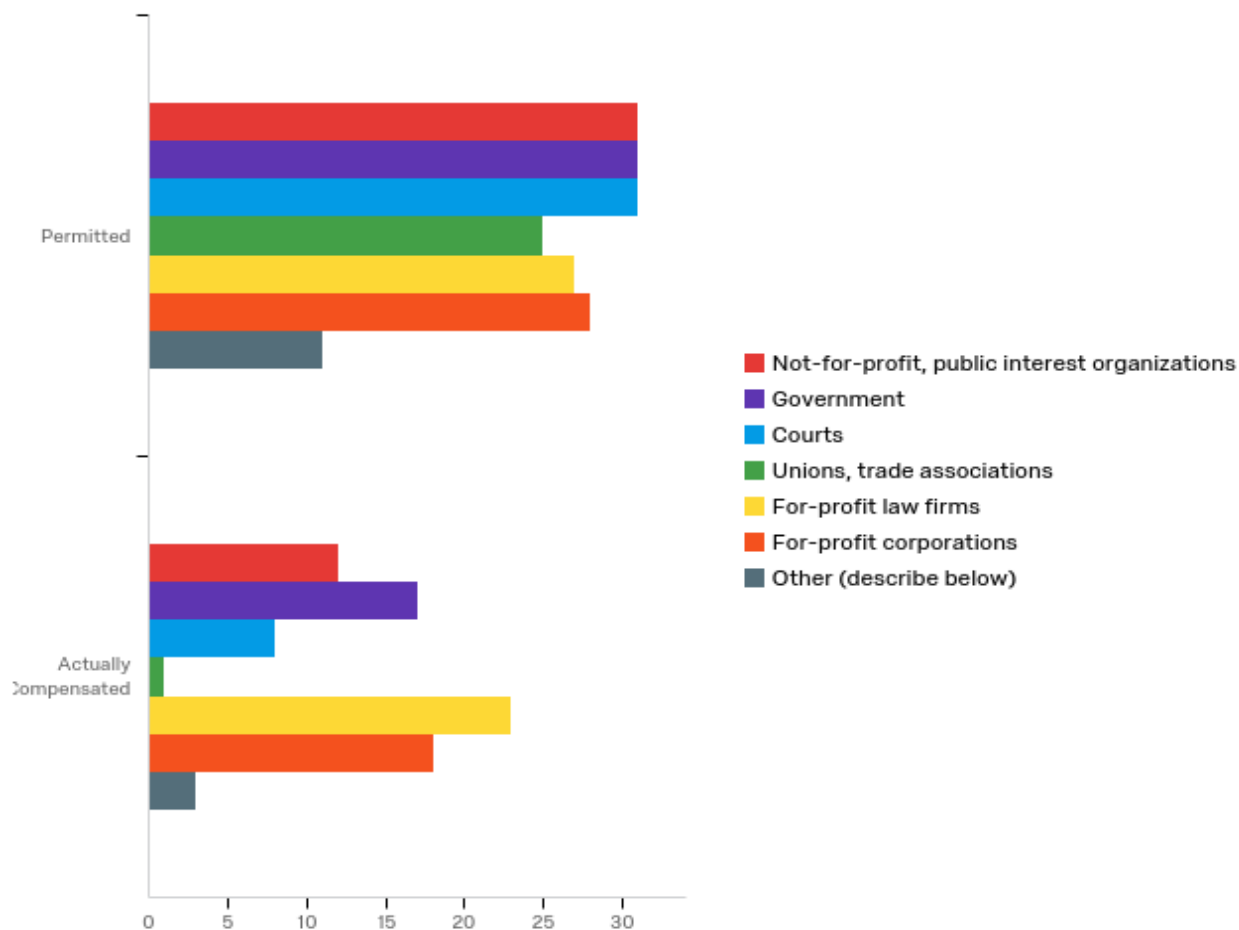


#	Answer	%	Count
2		0.00%	0
3	\$10-20	93.75%	15
4	\$21-30	6.25%	1
5	\$31-50	0.00%	0
6	\$51-75	0.00%	0
7	\$76-100	0.00%	0
8	>\$100	0.00%	0
	Total	100%	16

Of the 35 schools that allow compensated placements, 31 schools either allow or have had compensated students in non-profit organizations, 31 in government, 31 in courts, 25 in unions, 27 in for-profit companies, and 28 in for-profit law firms, while 11 answered “other.” The types of placements listed in the “other” category included advocacy organizations and educational institutions (i.e. university legal department, university HR), private firm/public interest hybrids (such as firms that have indigent defense, city/county attorney contracts, or pro bono programs), and any placement that met the approval criteria. Notably, the percentage of students actually

compensated was highest in for-profit law firms (46%) and for-profit corporations (39%), followed closely by government placements (35%).

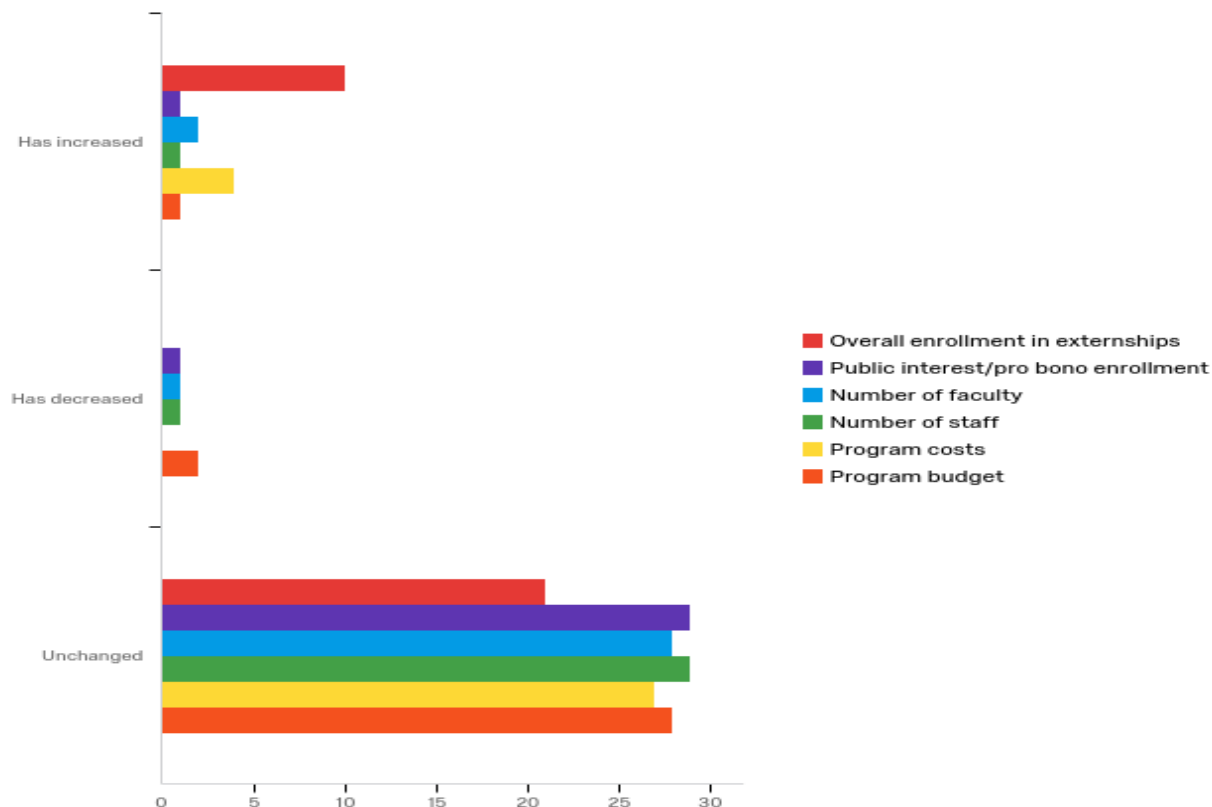
If your school allows "Compensated" placements, identify the types of placements that are permitted to compensate students, and those that have actually compensated them since you adopted this policy: (Q18)



#	Question	Permitted	Actually Compensated
1	Not-for-profit, public interest organizations	72.09% 31	27.91% 12
2	Government	64.58% 31	35.42% 17
3	Courts	79.49% 31	20.51% 8
4	Unions, trade associations	96.15% 25	3.85% 1
5	For-profit law firms	54.00% 27	46.00% 23
6	For-profit corporations	60.87% 28	39.13% 18
7	Other (describe below)	78.57% 11	21.43% 3

Most schools report that their public interest enrollment, number of faculty, number of staff, program costs, and program budgets remain unchanged, demonstrating very little impact. While a majority of schools reported that overall externship enrollment and program costs remain unchanged, 10 schools (32%) reported an increase in overall externship enrollment and 4 schools (13%) reported an increase in program costs.

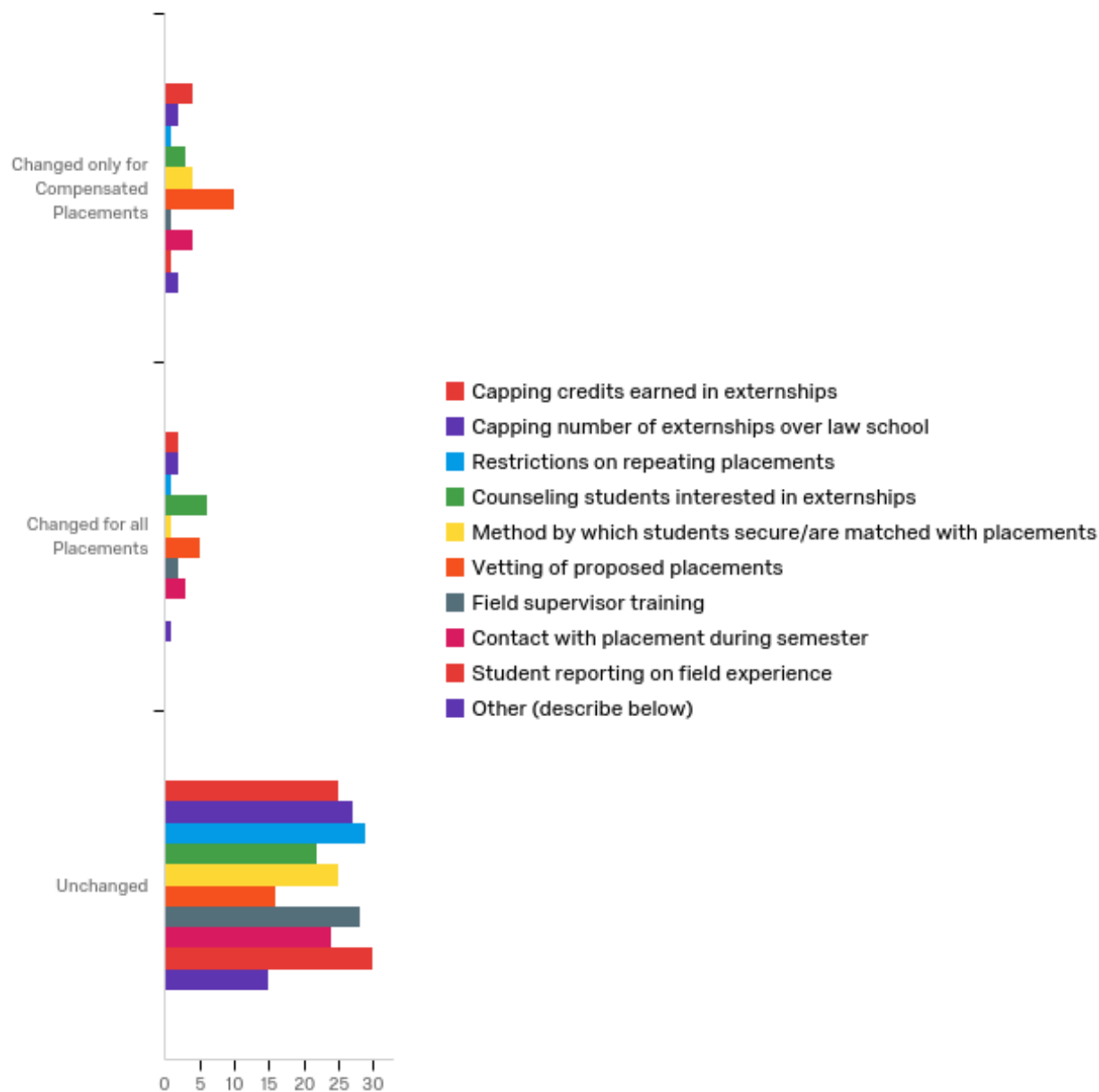
If your school allows "Compensated" placements, what, if any, has been the effect on externship program enrollment and resources: (Q24)



#	Question	Has increased		Has decreased		Unchanged	
1	Overall enrollment in externships	32.26%	10	0.00%	0	67.74%	21
2	Public interest/pro bono enrollment	3.23%	1	3.23%	1	93.55%	29
3	Number of faculty	6.45%	2	3.23%	1	90.32%	28
4	Number of staff	3.23%	1	3.23%	1	93.55%	29
5	Program costs	12.90%	4	0.00%	0	87.10%	27
6	Program budget	3.23%	1	6.45%	2	90.32%	28

Schools reported some changes in their policies, practices, or procedures for externships as a result of allowing compensated placements. The biggest reported change as applied only to compensated externships was in the vetting of placements followed by the method students secure/are matched with placements, the contact with placements during the semester, and capping the credits earned during externships.

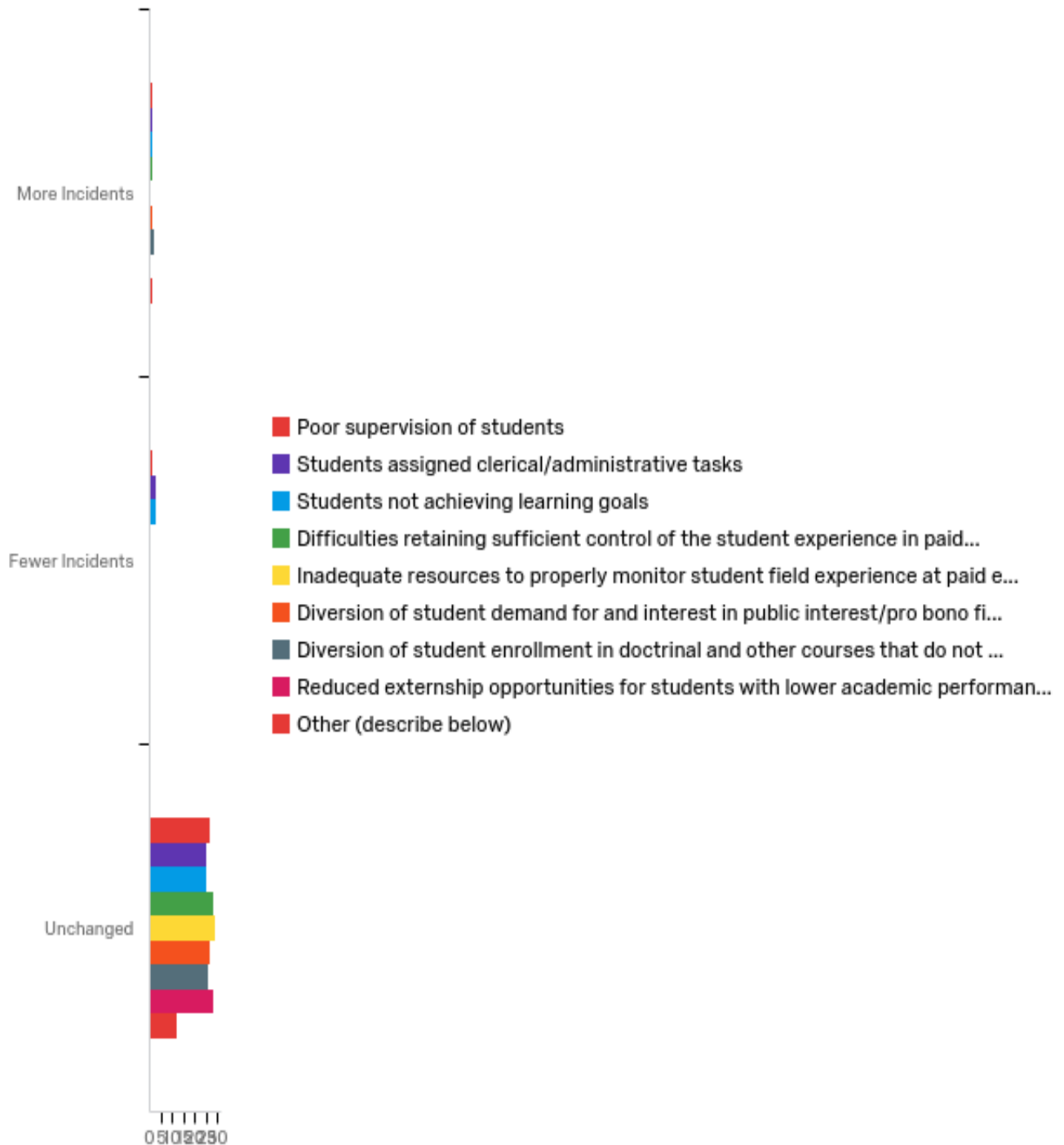
If your school allows "Compensated" placements, did that policy lead to any changes in other externship program policies, practices, or procedures: (Q25)



	Question	Changed only for Compensated Placements		Changed for all Placements		Unchanged	
1	Capping credits earned in externships	12.90%	4	6.45%	2	80.65%	25
2	Capping number of externships over law school	6.45%	2	6.45%	2	87.10%	27
3	Restrictions on repeating placements	3.23%	1	3.23%	1	93.55%	29
4	Counseling students interested in externships	9.68%	3	19.35%	6	70.97%	22
5	Method by which students secure/are matched with placements	13.33%	4	3.33%	1	83.33%	25
6	Vetting of proposed placements	32.26%	10	16.13%	5	51.61%	16
7	Field supervisor training	3.23%	1	6.45%	2	90.32%	28
8	Contact with placement during semester	12.90%	4	9.68%	3	77.42%	24
9	Student reporting on field experience	3.23%	1	0.00%	0	96.77%	30
10	Other (describe below)	11.11%	2	5.56%	1	83.33%	15

Finally, schools report little to no problems with compensated externships, though a few noted that they have not had much experience with compensation, either because there are too few students doing them or the policy is new. One school noted an increase in students demanding paid placements and an increasing student expectation that existing externship placements can be convinced to provide compensation.

If your school allows "Compensated" placements, describe your externship program's experience with those placements in comparison with the experience prior to adopting this policy, with respect to the following common externship program concerns: (Q27)



#	Question	More Incidents		Fewer Incidents		Unchanged	
1	Poor supervision of students	3.45%	1	3.45%	1	93.10%	27
2	Students assigned clerical/administrative tasks	3.45%	1	10.34%	3	86.21%	25
3	Students not achieving learning goals	3.45%	1	10.34%	3	86.21%	25
4	Difficulties retaining sufficient control of the student experience in paid externships	3.45%	1	0.00%	0	96.55%	28
5	Inadequate resources to properly monitor student field experience at paid externships	0.00%	0	0.00%	0	100.00%	29
6	Diversion of student demand for and interest in public interest/pro bono field placements and clinics	3.57%	1	0.00%	0	96.43%	27
7	Diversion of student enrollment in doctrinal and other courses that do not offer compensation	7.14%	2	0.00%	0	92.86%	26
8	Reduced externship opportunities for students with lower academic performance	0.00%	0	0.00%	0	100.00%	28
9	Other (describe below)	7.69%	1	0.00%	0	92.31%	12

Examples of policies permitting compensated externships:

“Under this pilot program: (1) Externs must be paid (in compliance with all labor and employment RCWs); (2) The placement is prohibited from billing its clients for the extern’s time; (3) As is required for existing externships, the externship sponsor must agree to provide substantial feedback to and opportunity for observation by the extern; and (4) Externship placements are restricted to sites selected by the Externship Director in consultation with others such as [the Career Services Office and Alumni Relations Office]. In an effort to implement this pilot program in the most efficient manner possible, the Director formed a Committee charged with creating a vetting and selection process for the initial group of for-profit externship placements. The following factors will be considered in selecting the initial, for-profit placements: (1) Commitment to the educational mission of our program, including both cooperating administratively and demonstrating an interest in helping to teach students; (2) Ability of the supervising attorney to carry out the responsibilities set forth in the Externship Memorandum of Agreement (see attachment). Factors demonstrating a strong likelihood of sound supervision include overall prior legal experience of the supervising attorney, extent of competing responsibilities of the supervising attorney, and the supervising attorney’s prior teaching and mentoring experience; (3) Ability to provide substantial lawyering experience for students that is reasonably similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks, as required under ABA Standard 304(c); (4) Exposure to multiple practice areas while working with a diverse range of clients; (5) History of providing meaningful internship opportunities with successful outcomes to [our] Law students; (6) The number of attorney and non-attorneys employed by the organization and the ability to adequately supervise an extern in the event of a prolonged absence by the primary supervising attorney (solo-practitioners are not eligible to apply for the program at

this time); (7) Demonstrated commitment to providing pro bono or reduced fee legal services to underserved populations in the community; and (8) Commitment to being part of the program on an ongoing basis.”

“Students may simultaneously earn academic credit in the field placement clinic, advanced field placement clinic, and/or semester in practice courses while also receiving compensation from the work site, subject to the following requirements: The student must meet in advance with the field placement director prior to enrolling in a field placement course and must disclose the fact that the student intends to receive compensation for the placement; Prior to the commencement of the field placement, the field placement director will communicate with the field placement supervisor regarding the nature of the field placement, the student’s educational goals and objectives, and the requirement that the placement exist primarily for the student’s education and not the supervisor’s organizational needs; The student and the field placement supervisor must execute a written work contract indicating that the primary purpose of the placement is the student’s education and indicating the skills and substantive performance opportunities the student will obtain at the placement; The student may not receive academic credit for work that is non-legal in nature or that is not attorney-level work within the field placement organization (i.e. copying files with no educational purpose, making coffee). In other words, if the student is asked to undertake a non-legal activity for compensation, the student may be paid for the activity but may not report the work on his or her weekly timesheet for the field placement program; and In the event the student is terminated from employment prior to completing his or her field placement hours, the student will locate a substitute placement, which may or may not provide compensation to the student.”

“Paid Internships: Students may receive both compensation and academic credit for their internship so long as the paid internship is approved by both the Faculty Supervisor and the Director of Experiential Learning under the same criteria that would be used to approve an unpaid internship. To qualify as a participating placement for a paid internship, the placement must: a. Be one where the student does primarily legal work (which may include policy work) under the supervision of a judge or a licensed attorney; b. Complete the form entitled, Paid Internship Site Application & Supervisory Agreement & Memorandum of Understanding”

“We have not created a written policy permitting this. [Rather, we] have deleted the policy which [prohibited] it. We have created an FAQ on paid externships. The FAQs follow: As you may know, the ABA recently removed the prohibition against being paid for work for which you also receive law school credit. This means that you can now receive credit for work at an externship for which you are also paid. Here is what you need to know about this: 1) An externship is a class for which you pay tuition and receive credit. Our first and foremost concern is that you are gaining additional skills and knowledge during your externship. Even if you are paid for your work – this does not change the focus of the goals of the externship. 2) Externship sites are under no obligation to pay you for your time on an externship. The option remains with the site whether to pay you. It is not a violation of labor law for you to volunteer your time if you are in a proper externship placement. 3) Payment for externship time is completely determined by the externship site and the individual externship student. The law school will not get involved in any negotiation or dispute about payment or the amount thereof. 4) If you are currently employed at your proposed externship placement, the externship office will work with you to create an educational plan. You cannot receive law school credit for doing what you have been doing. We must document that you have an educational plan to increase your knowledge, skills and ethics through this placement. These placements must be approved by the externship office after review of your goals memorandum. Talk with the externship office for more information about the requirements of the goals memorandum.”

Funded Externships

Of the 151 schools that responded to the survey, 51 allow funded placements (defined as placements where the student receives a fellowship, grant, or stipend from a source other than the externship site). Approximately half of those schools allow funded, but not compensated placements, while the other half allow both funded and compensated placements. This section reports on the percentages of schools that allow funded placements by region and ranking tier; the total students enrolled in programs that allow funded placements; whether the programs monitor the amount students may receive funding and the amount of that funding; the types of placements in which students are permitted to receive funding and actually receive funding; the impact, if any, funded placements have had on program enrollment and resources; and the experience programs have had with funded placements.

Looking at the results by region, the Upper Plains (71%) and the Great Lakes (53%) have the highest percentage of schools in their region allowing funded externships.

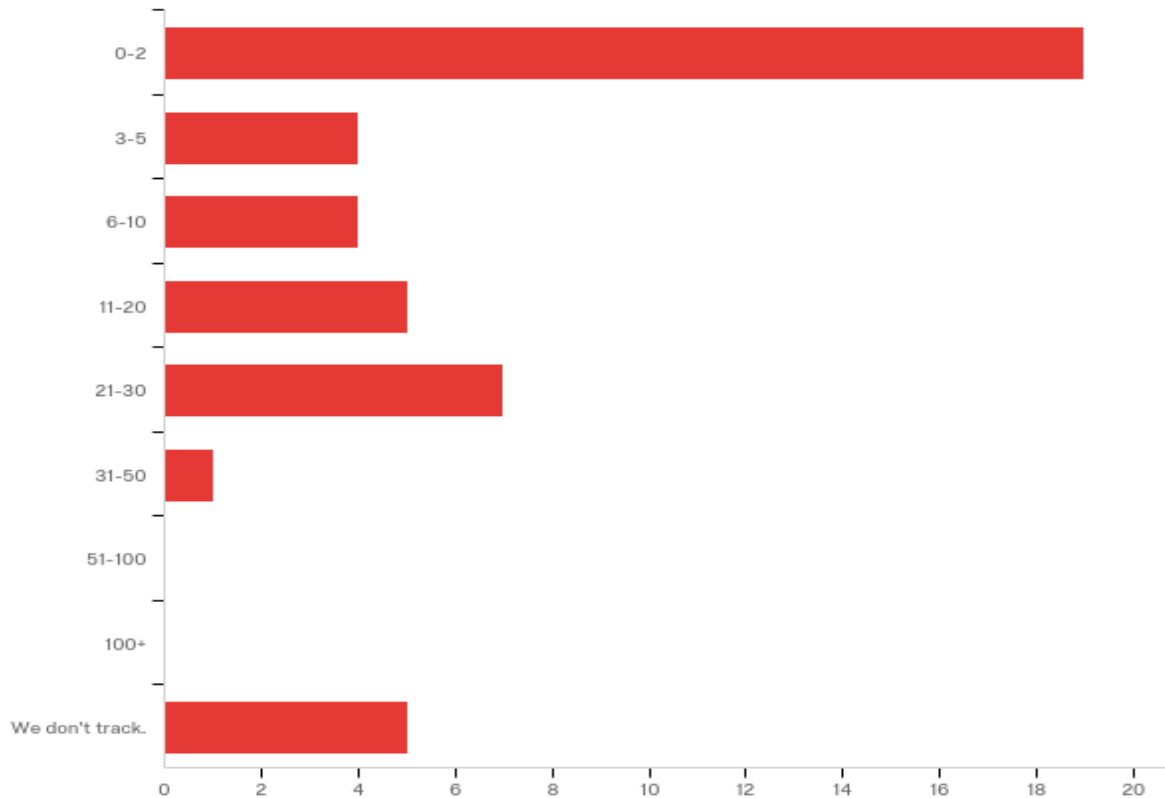
	Funded, but not Compensated	Both Funded and Compensated	Total	Total # of Schools Represented in Each Region	Percentage of Schools in Region Who Allow Funded
Deep South	5	2	7	20	35%
Great Lakes	4	6	10	19	53%
Mid-Atlantic	5	1	6	29	21%
Mid-South	1	1	2	10	18%
New England	3	2	5	12	42%
Northwest	0	2	2	10	20%
Pacific	0	6	6	18	33%
South Central	4	0	4	17	24%
Southwest	0	2	2	6	33%
Upper Plains	2	3	5	7	71%

The schools listed as “Ranking Not Published” are somewhat more likely to have adopted a policy allowing funding. Perhaps more notable is that the majority of schools in each ranking tier have not adopted funded externships at this time.

Law School Ranking	Funded, but not Compensated	Both Funded and Compensated	Total	Total # of Schools Represented in Each Ranking Tier	Percentage of Schools within Each Tier That Allow Funded
#1-50	6	4	10	38	26%
#51-100	7	4	11	35	31%
#101-150	5	4	9	37	24%
RNP	2	13	15	36	42%
Unranked	0	0	0	5	0%

Of the schools that had students in funded placements during the 2017-18 academic year (including summer 2017, fall 2017, and spring 2018), the plurality had 1 or 2 students total (20 schools, 43%). Four schools reported having 3-5 students (9%) while another four schools had 6-10 students (9%). Five schools reported having 11-20 (11%). Seven schools reported having 21-30 students (15%). One school reported having 31-50 students (2%). No schools reported having 51-100 students.

If your school allows "Funded" placements, how many total students enrolled in a funded placement in the academic year that includes summer 2017, fall 2017, and spring 2018: (Q31)

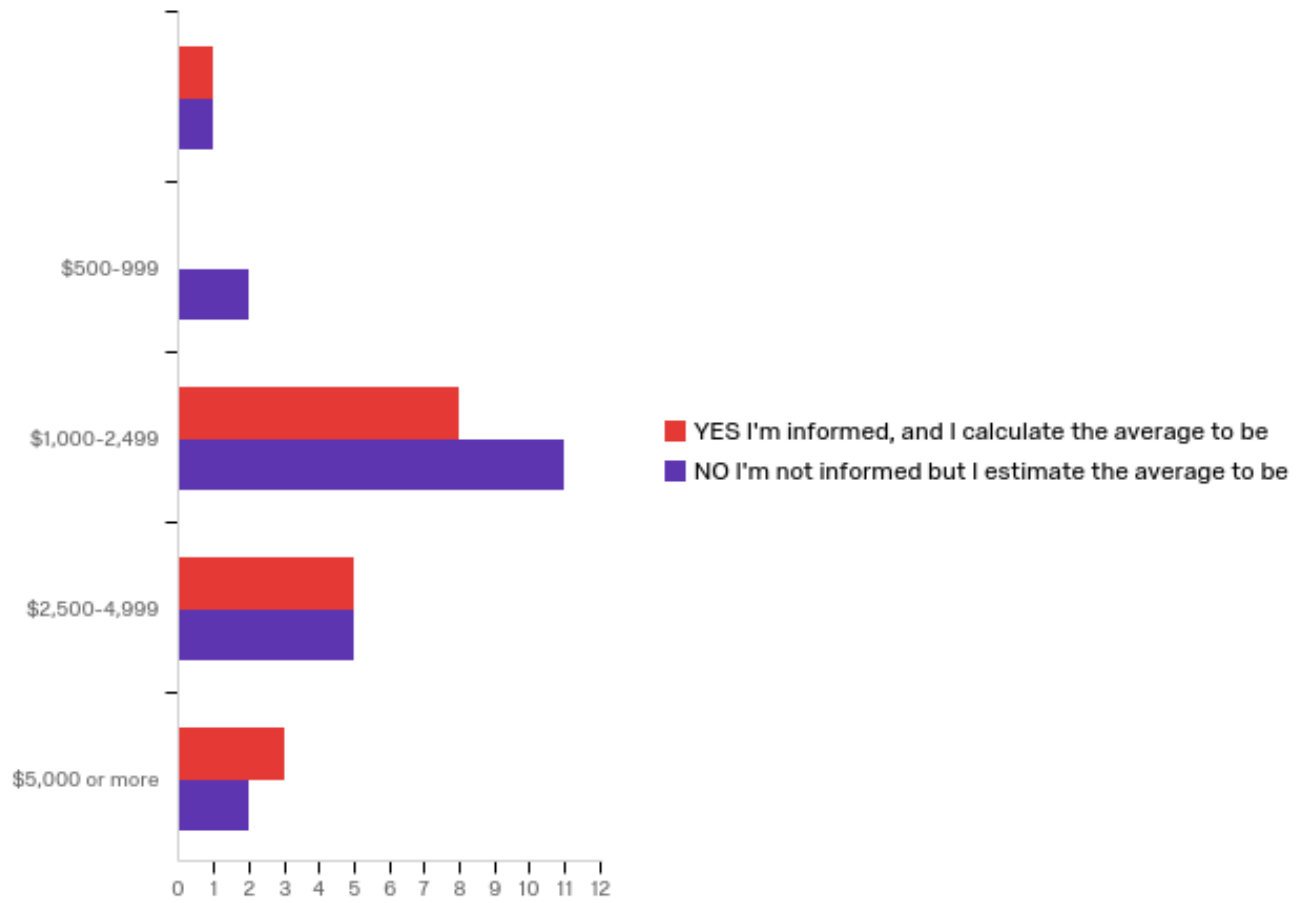


#	Answer	%	Count
1	0-2	42.22%	19
2	3-5	8.89%	4
3	6-10	8.89%	4
4	11-20	11.11%	5
5	21-30	15.56%	7
6	31-50	2.22%	1
7	51-100	0.00%	0
8	100+	0.00%	0
9	We don't track.	11.11%	5
	Total	100%	45

More than half the schools are not informed about how much their students are being funded. That is, more than half do not appear to require students to report how much funding they receive.

Of the schools who are informed about the amounts students receive in funding per semester, the range of funding was well-distributed: 1 school reported \$0-499, 8 schools reported students received between \$1000-\$2499, 5 schools reported \$2500-4999, while 3 reported \$5000 or more. The breakdown was similar for schools that estimated the amounts students receive in funding per semester.

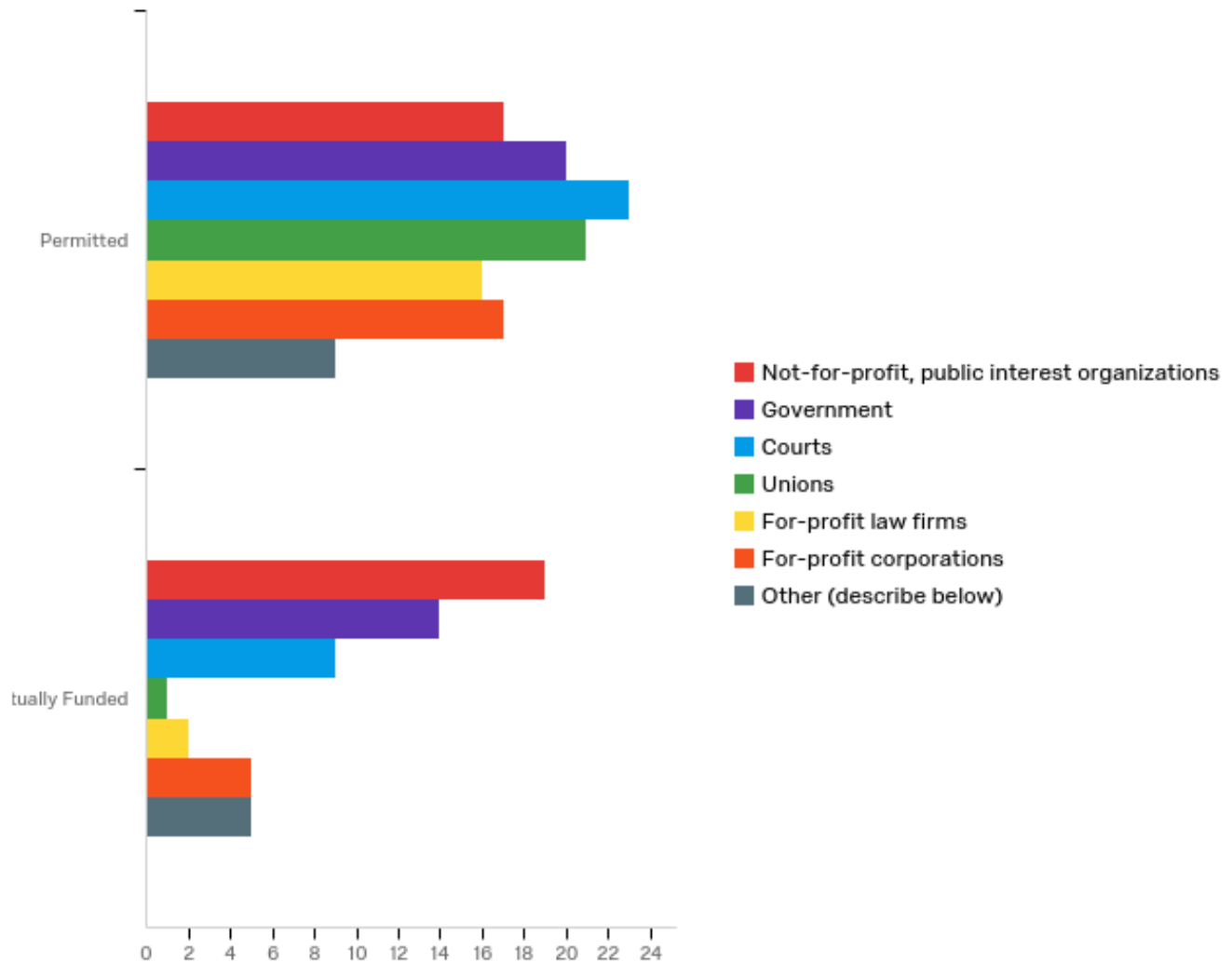
If your school allows "Funded" placements are you officially informed about the amount of such funding, and what is the average amount per student by semester? (Q32)



#	Question			\$500-999		\$1,000-2,499		\$2,500-4,999		\$5,000 or more		Total
1	YES I'm informed, and I calculate the average to be	5.88%	1	0.00%	0	47.06%	8	29.41%	5	17.65%	3	17
2	NO I'm not informed but I estimate the average to be	4.76%	1	9.52%	2	52.38%	11	23.81%	5	9.52%	2	21

Of the 51 schools that allow funded placements, 36 schools either allow or have had funded students in non-profit organizations, 34 in government, 32 in courts, 22 in unions, 22 in for-profit companies, and 18 in for-profit law firms, while 14 answered "Other."

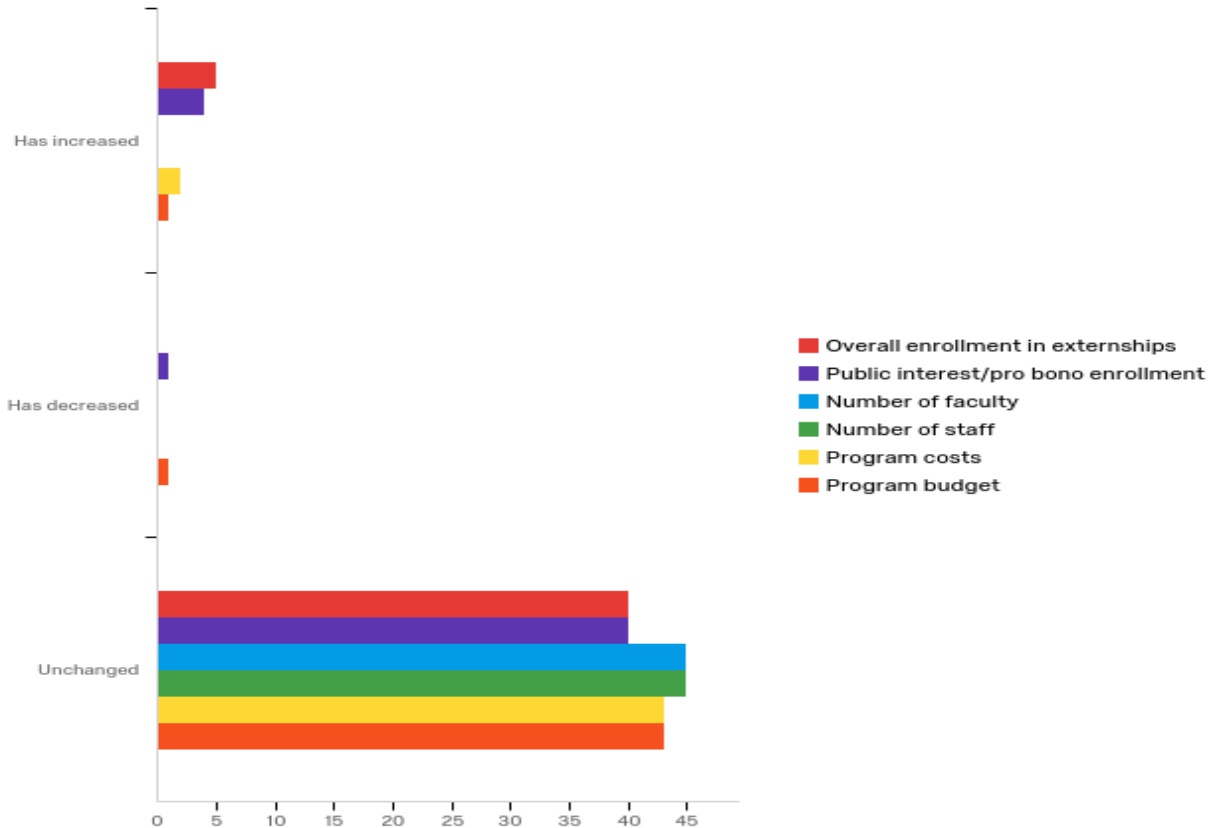
If your school allows "Funded" placements, identify the types of placements for which students are permitted to receive funding, and those for which students actually received funding since you adopted this policy: (Q29)



#	Question	Permitted		Actually Funded		Total
1	Not-for-profit, public interest organizations	47.22%	17	52.78%	19	36
2	Government	58.82%	20	41.18%	14	34
3	Courts	71.88%	23	28.13%	9	32
4	Unions	95.45%	21	4.55%	1	22
5	For-profit law firms	88.89%	16	11.11%	2	18
6	For-profit corporations	77.27%	17	22.73%	5	22
7	Other (describe below)	64.29%	9	35.71%	5	14

Most schools report their overall enrollment, public interest enrollment, number of faculty, number of staff, program costs, and program budgets remain unchanged, demonstrating very little impact. Similarly, schools reported almost no changes in their policies, practices, or procedures for externships as a result of allowing funded placements.

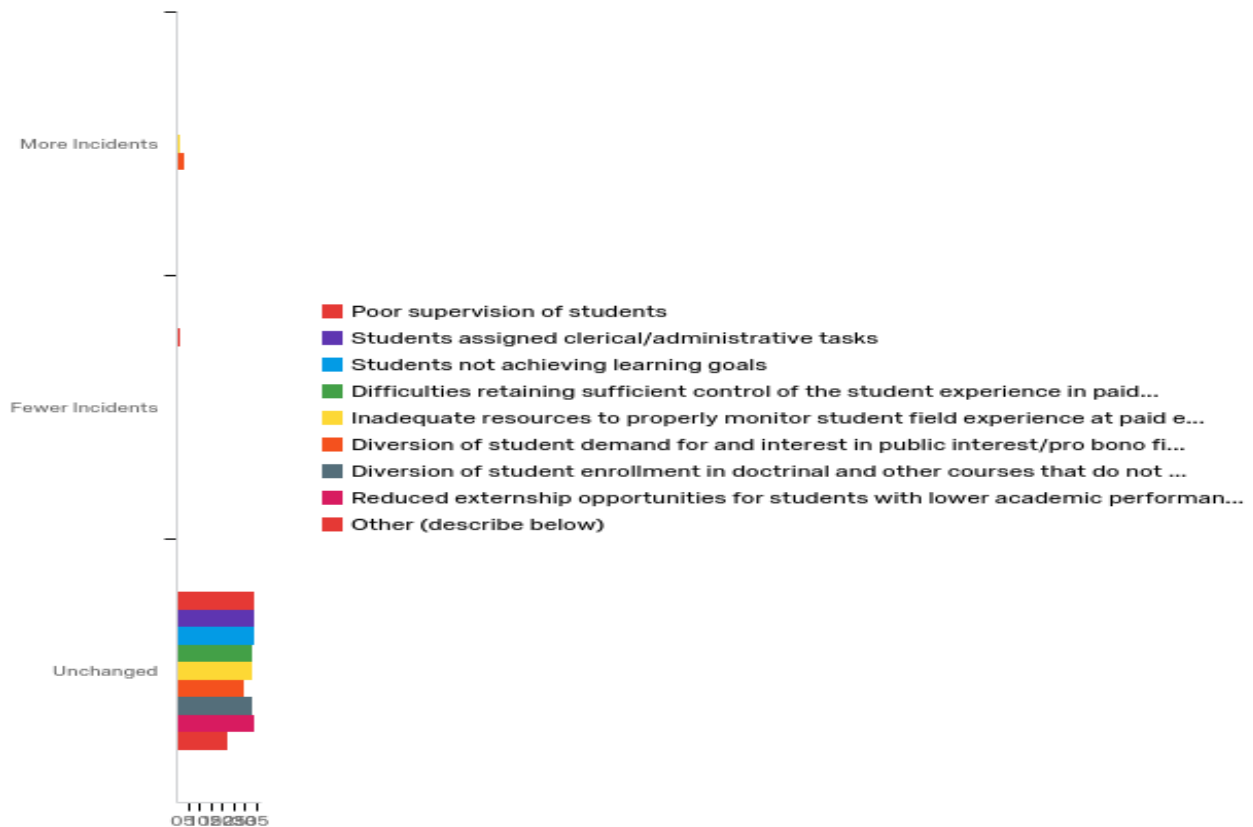
If your school allows "Funded" placements, what, if any, has been the effect on externship program enrollment and resources: (Q33)



#	Question	Has increased		Has decreased		Unchanged		Total
1	Overall enrollment in externships	11.11%	5	0.00%	0	88.89%	40	45
2	Public interest/pro bono enrollment	8.89%	4	2.22%	1	88.89%	40	45
3	Number of faculty	0.00%	0	0.00%	0	100.00%	45	45
4	Number of staff	0.00%	0	0.00%	0	100.00%	45	45
5	Program costs	4.44%	2	0.00%	0	95.56%	43	45
6	Program budget	2.22%	1	2.22%	1	95.56%	43	45

Finally, schools report little to no problems with funded externships, though most noted that they have not had much experience with funding, either because there are too few students doing them, or because the policy has not yet gone into effect. Thus, according to several comments, it is too early to tell in most cases what the effect will be.

If your school allows "Funded" placements, describe your externship program's experience with those placements in comparison with the experience prior to adopting this policy, with respect to the following common externship program concerns: (Q36)



#	Question	More Incidents		Fewer Incidents		Unchanged	
1	Poor supervision of students	0.00%	0	2.86%	1	97.14%	34
2	Students assigned clerical/administrative tasks	0.00%	0	0.00%	0	100.00%	34
3	Students not achieving learning goals	0.00%	0	0.00%	0	100.00%	34
4	Difficulties retaining sufficient control of the student experience in paid externships	0.00%	0	0.00%	0	100.00%	33
5	Inadequate resources to properly monitor student field experience at paid externships	2.94%	1	0.00%	0	97.06%	33
6	Diversion of student demand for and interest in public interest/pro bono field placements and clinics	9.09%	3	0.00%	0	90.91%	30
7	Diversion of student enrollment in doctrinal and other courses that do not offer compensation	0.00%	0	0.00%	0	100.00%	33
8	Reduced externship opportunities for students with lower academic performance	0.00%	0	0.00%	0	100.00%	34
9	Other (describe below)	0.00%	0	0.00%	0	100.00%	22

Examples of policies permitting funded externships:

“1. [The Law School] allows third party payments to externs, including grants, scholarships, or stipends related to externship work; 2. [The Law School] allows for reimbursements of any reasonable out-of-pocket expenses related to externship work; 3. [The Law School] does not allow any other payments related to externships.”

“Compensation: Students shall not receive any compensation for work during their field placement (e.g., an hourly wage or salary). Students may accept grants, scholarships, or stipends from the [Law School] or sources other than the field placement itself, provided that the student reports the sources and amounts of those funds to the field placement director. Students may also receive reimbursement from their field placement organization for reasonable out-of-pocket expenses incurred as a result of participation in a field placement, provided that a summary of such expenses and reimbursements is furnished to the field placement director.”

“This proposal suggests modifying current practice by allowing students enrolled in a qualified externship course to receive both external funding and academic credit. For the purposes of this policy, a “qualified externship course” is one recognized as part of the Law School’s academic curriculum and overseen by a member of the Law School’s faculty. “Funding” shall be understood to include only a grant, scholarship, or stipend from a source other than the externship field placement itself. Students may also continue to receive reimbursements from their externship field placement for any reasonable out-of-pocket expenses related to such field placement.”

“Prohibitions on externship participation: a. A student may not receive credit for a placement for which that student is paid a salary or wage. A student may accept a stipend, scholarship, or grant paid by the site in an amount not to exceed \$1,000 for each credit hour of the externship. A student may accept a stipend, scholarship, or grant paid by a third party in any amount.”

“(1) Students may receive credit for fieldwork for which they receive funding from third party sources, including grants, scholarships, or stipends. (2) Students may receive reimbursement from a for-credit placement for any reasonable out-of-pocket expenses related to their work. (3) Students cannot receive any other remuneration from a for-credit externship placement, including wages or salaries.”

“Credit-bearing externship placements may reimburse students for travel or housing (should the externship want to do so); and students may accept third-party money from a grant, scholarship, or stipend in connection with their participation in credit-bearing externships.”

“• Students are permitted to receive funding for approved Externship Placements in the form of fellowships, grants, and scholarships, as long as the funds are received from a third party source and not directly from the placement. • Externship students are permitted to receive reimbursement from their Externship Placements for their reasonable out-of-pocket expenses related to their fieldwork. Transportation to and from the placement site, parking, and lunch are reasonable expenses. Tuition and housing are not reasonable expenses for which reimbursement by an Externship Placement is permitted. • Students may not receive any other remuneration from an Externship Placement, including wages or salaries.”

“Externship students are permitted to receive funding in the form of fellowships, grants, and scholarships, as long as the funds are received from a third party source and not directly from the placement organization. Externship students are permitted to receive reimbursement for their reasonable out-of-pocket expenses related to their fieldwork. Reimbursement is permitted for the following expenses:

- During all semesters: local transportation costs (e.g., subway, parking); and
- During the summer only: the cost of transportation to and from the field placement if it is at a distance from [the law school] (an “out of town” placement) and for housing and food costs only to the extent they are greater than what they would have been at the student’s home location.

Externship students may not receive any other remuneration from a field placement, including wages or salaries.”

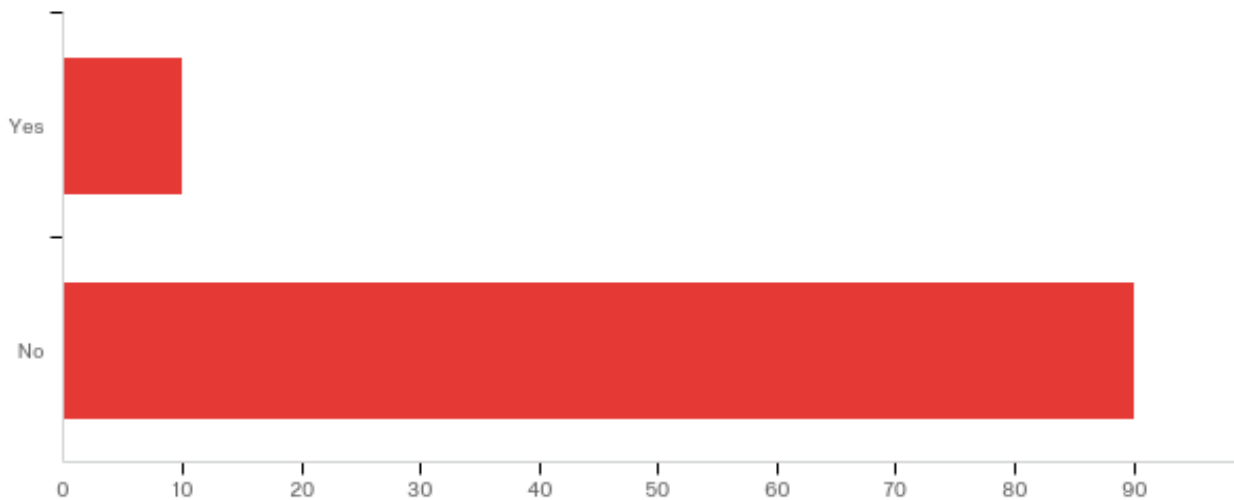
“In order to preserve the integrity of the externship program and insure the student’s experience is primarily a learning one, students cannot be paid by or otherwise receive compensation directly from the externship employer in return for their work as an extern. However, a student may receive a grant, fellowship, stipend, scholarship, or loan from a third-party, non-profit organization to help fund the student’s work at the placement site, including Law School Loans, PILI Internships, various ABA Fellowships, and Equal Justice Works AmeriCorps Fellowships, and still participate in the externship program. The Assistant Dean of Career Development will determine whether a particular source of funds falls within the parameters of what is permissible for a student enrolled in the externship program to receive.”

Reimbursements

Of the 151 schools that responded to the survey, 103 schools permit reimbursements in some form. This section reports on the limitations, if any, placed on this reimbursement; the categories of expenses for which reimbursement was allowed; the monitoring practices of those schools who permit reimbursement; and the interactions between schools and placements about reimbursements.

The vast majority of schools (90 out of the 100 that responded to this specific question) set no monetary limits on the amount of the reimbursements.

If your school allows "Reimbursements," do you set a monetary limit on the amount of those reimbursements? (Q38)



#	Answer	%	Count
1	Yes	10.00%	10
2	No	90.00%	90

Total

100%

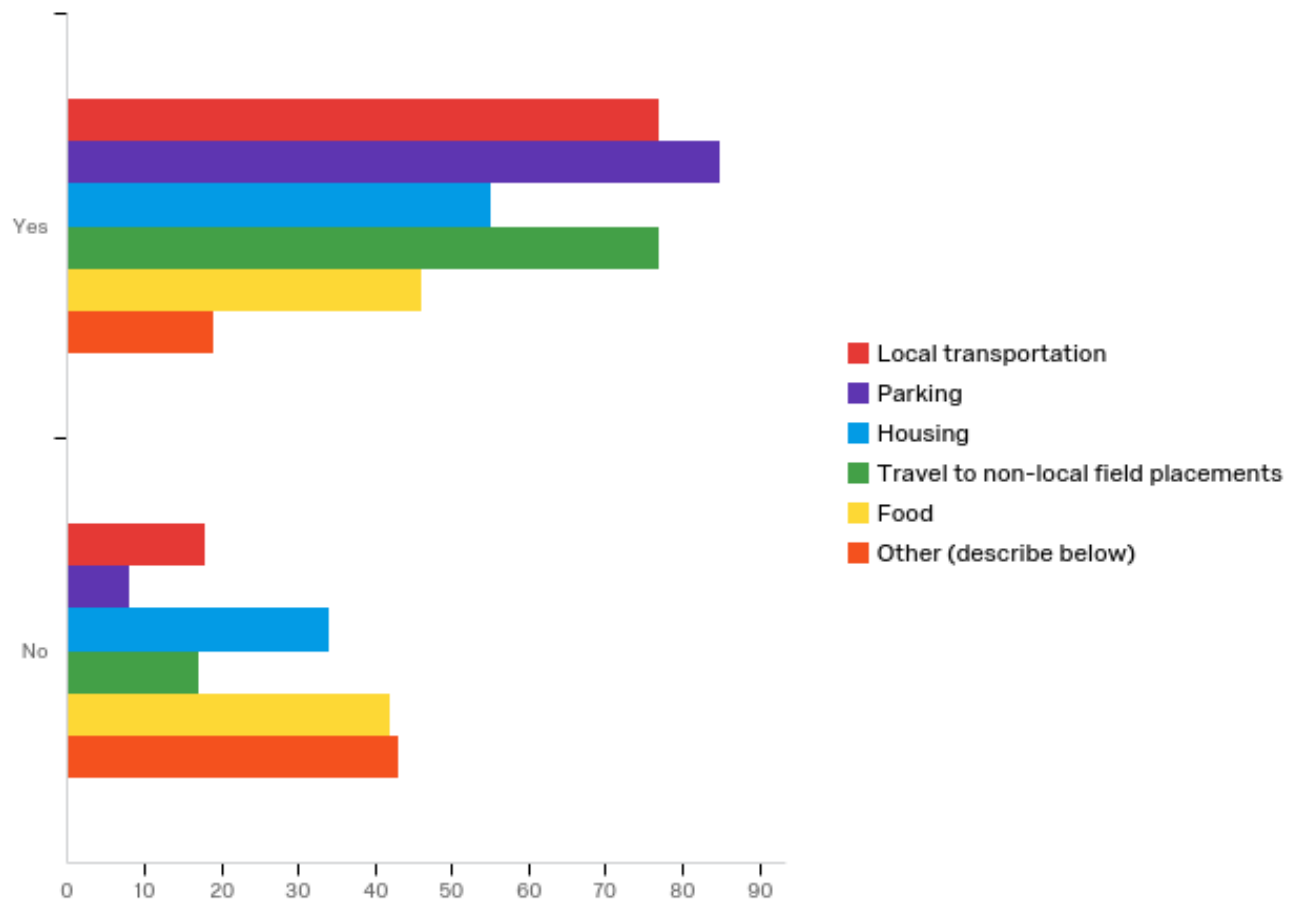
100

Those schools that did set limits described a range of approaches:

- A flat sum of money, independent of expenses incurred, with amounts varying depending on location.
- A flat sum of money for all placements, independent of expenses incurred or location.
- Reimbursement of actual expenses up to a set maximum.
- Limitation to “negligible” or “de minimis” costs, such as parking or meal stipends. Anything over these amounts considered compensation, not eligible for credit.
- Reimbursements only for specific categories of placements, such as international.
- “Traditional reimbursements”: payment for any and all costs actually incurred.

Schools varied in the categories of expenses for which they permitted reimbursements. The most common categories included parking (91%), travel to non-local placements (82%), and local transportation (81%). Less commonly reimbursed expenses included those for housing (62%), food (52%), and other (31%).

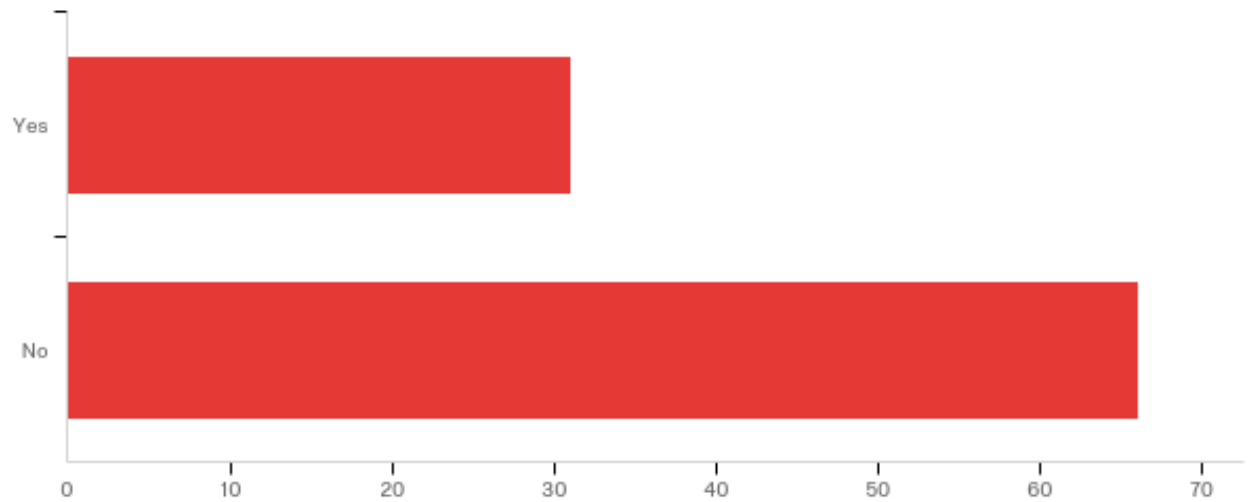
If your school allows "Reimbursements," for what categories of expenses do you permit reimbursement- Click to write Column 1 (Q41)



#	Question	Yes	No
1	Local transportation	81.05% 77	18.95% 18
2	Parking	91.40% 85	8.60% 8
3	Housing	61.80% 55	38.20% 34
4	Travel to non-local field placements	81.91% 77	18.09% 17
5	Food	52.27% 46	47.73% 42
6	Other (describe below)	30.65% 19	69.35% 43

A majority of schools indicated that they did not monitor the reimbursement process.

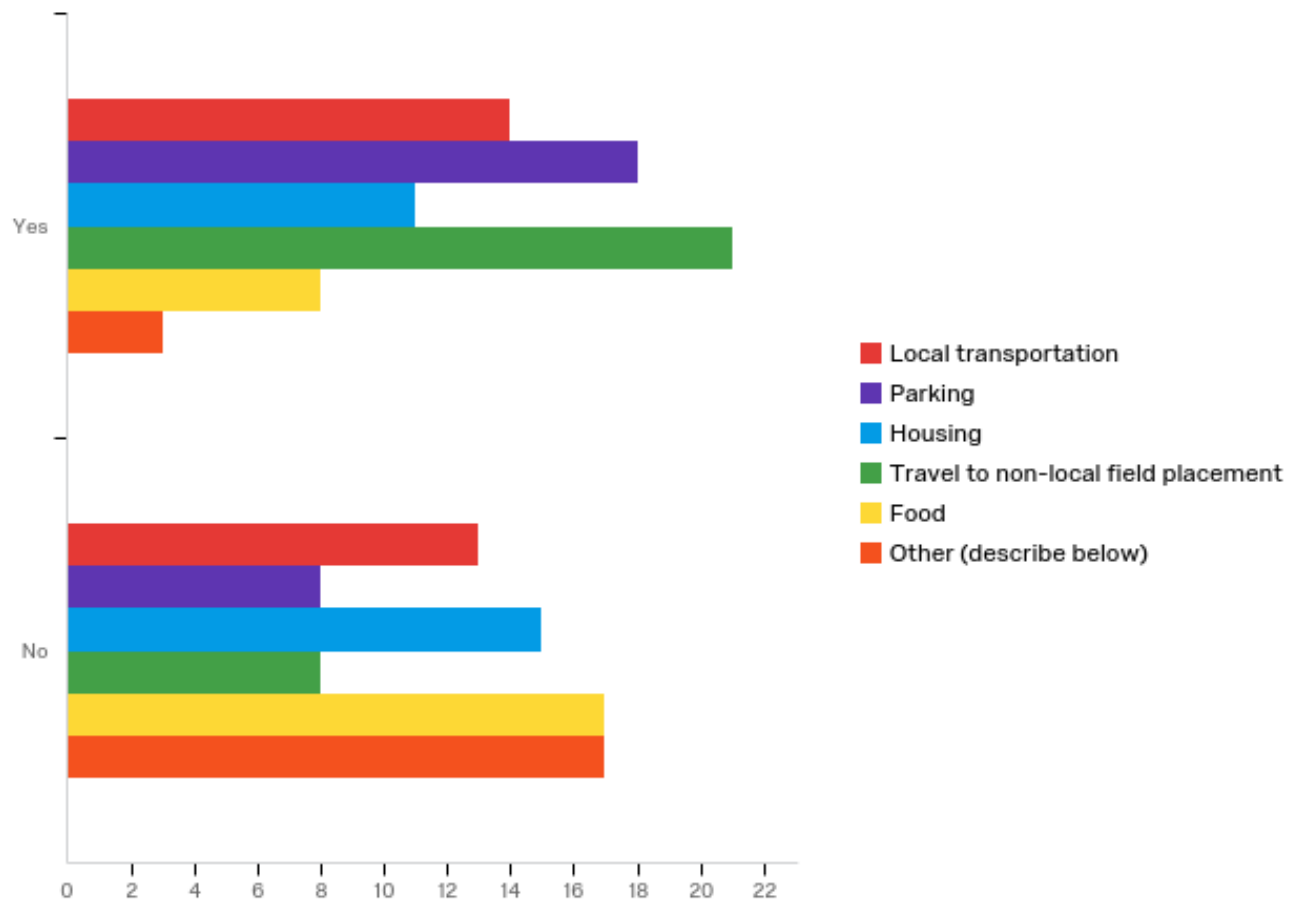
If your school allows "Reimbursements," do you monitor the total amount of reimbursements students have received? (Q42)



#	Answer	%	Count
1	Yes	31.96%	31
2	No	68.04%	66
	Total	100%	97

Less than half of all schools reported students actually receiving reimbursements in any of these categories. Most commonly received reimbursements include travel to non-local placements (72%), parking (69%), and local transportation (48%). Less common were payments for housing expenses (42%) and food (32%). The responses we received contained several mentions that reimbursements were rare or unusual occurrences.

If yes, what kinds of reimbursement have students received? (Q43)

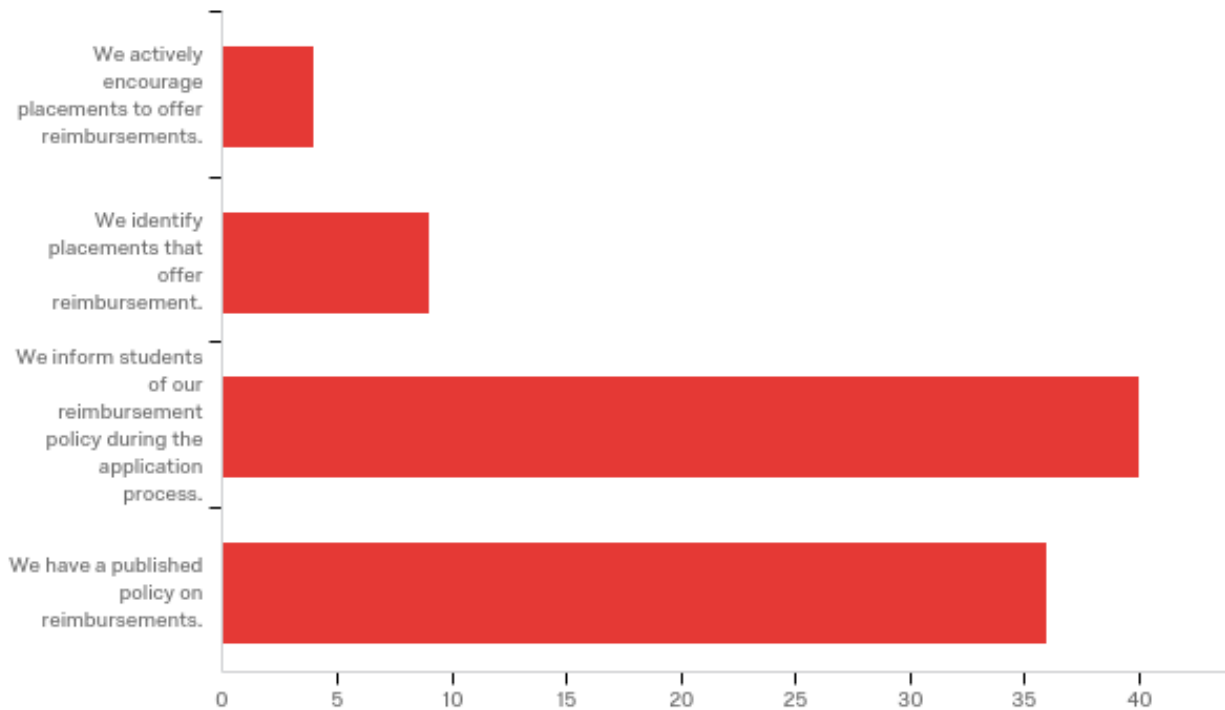


#	Question	Yes	No
1	Local transportation	51.85% 14	48.15% 13
2	Parking	69.23% 18	30.77% 8
3	Housing	42.31% 11	57.69% 15
4	Travel to non-local field placement	72.41% 21	27.59% 8
5	Food	32.00% 8	68.00% 17
6	Other (describe below)	15.00% 3	85.00% 17

As to the amounts actually received, the responses suggest no particular pattern. Amounts mentioned ranged from *de minimis* (such as \$50) up to \$4,000 per semester. Some schools reported not knowing or being unsure of the amounts received. Kinds of reimbursements varied. Examples in the “Other” category included a rental stipend and on-site parking in an urban context. Finally, only 4 schools permitting reimbursements reported actively encouraging placements to offer reimbursements. 9 schools reported that they identify for students those placements that do offer reimbursements. 40 schools indicate that they inform students of the reimbursement policy

during the matching process. 36 schools have a published policy on reimbursements. These numbers may overlap, so that, for example, a school might have a published policy which they mention during matching students with placements but might not actively encourage reimbursements.

If your school allows "Reimbursements," what approach do you take to the availability of reimbursements? (Select all that apply) (Q46)



#	Answer	%	Count
1	We actively encourage placements to offer reimbursements.	4.49%	4
2	We identify placements that offer reimbursement.	10.11%	9
3	We inform students of our reimbursement policy during the application process.	44.94%	40
4	We have a published policy on reimbursements.	40.45%	36
	Total	100%	89

Suggestions for Next Steps

This report recommends continued data-gathering to flesh out many of the topics for which the survey provides only partial data. The subjects for which more data would be helpful include: the amount of compensation and funding received by students at schools which permit both forms of payment; the nature and scope of any collateral effects (both positive and negative) of adopting

new versions of policies relating to payment; and the size, scope, and frequency of any reimbursements paid to students.

APPENDIX

CLEA Compensated Externships Survey

The CLEA Externship Committee seeks information on law school policies on “paid externships,” that is whether the school permits students to receive credit through an externship course for work for which they receive some form of payment. This survey seeks to identify how schools have responded to the August 2016 revisions to ABA Standards 304 and 305, which repealed the prohibition on “grant[ing] credit to a student for participation in a field placement program for which the student receives compensation.”

2. Name of Person Completing Survey:

3. Title:

4. Law School:

5. Email:

6. Total number of students enrolled in a credit-bearing externship at your school in the academic year that includes summer 2017, fall 2017, and spring 2018:

1-25 (1)

26-50 (2)

51-75 (3)

76-100 (4)

101-150 (5)

151-200 (6)

201-300 (7)

301+ (8)

7. Do we have your permission to:

	Yes (1)	No (2)
include identifying information about your school in a public report? (1)		
contact you for questions and clarifications? (2)		

8. My school has adopted a policy (whether permissive or restrictive) in response to the August 2016 revisions to ABA Standards 304 and 305 regarding compensating students for work performed in credit-bearing externships.

Yes, we have adopted a policy that permits some form of payment for externship work. (1)

Yes, we have adopted a policy that retains a prohibition on a student receiving any form of payment for externship work. (2)

No, but we are considering or planning to consider a new or amended policy in response to the revised ABA standards. (3)

No, we have not considered a new or amended policy in response to the revised ABA standards. (4)

9. When did the policy take effect?

Fall 2016 (1)

Spring 2017 (2)

Summer 2017 (3)

Fall 2017 (4)

Spring 2018 (5)

Summer 2018 (6)

Fall 2018 (7)

Other (8)

10. Other:

11. When did the policy take effect?

Fall 2016 (1)

Spring 2017 (2)

Summer 2017 (3)

Fall 2017 (4)

Spring 2018 (5)

Summer 2018 (6)

Fall 2018 (7)

Other (8)

12. Other:

13. Please submit your school's policy by providing a link or cutting and pasting the language here:

14. Please submit your school's policy by providing a link or cutting and pasting the language here:

15. My school currently allows the following in connection with credit-bearing externships (SELECT ALL THAT APPLY):

"Compensated" placements, where the externship site pays the student directly for the work performed (1)

"Funded" placements, where the student receives a fellowship, grant, or stipend from a source other than the externship site (2)

"Reimbursements" from the externship site or the law school for specific expenses incurred as a result of working at an externship site (such as local transportation, parking, travel to a non-local field placement, housing, food, etc.) (3)

None of the above (4)

16. If your school has adopted a policy that retains the prohibition on "Compensated" placements, identify the extent to which your school was influenced by any of the following concerns about compensating students:

	Most Influential Concern (1)	Shared Influence with other Concerns (2)	Somehat Influential (3)	Not a Concern (4)
Poor supervision of students (1)				
Students assigned clerical/administrative tasks (2)				
Students not achieving learning goals (3)				
Difficulties retaining sufficient control of the student experience (4)				
Additional resources required to properly monitor student field experience (5)				
Diversion of student demand for and interest in public interest/pro bono field placements and clinics (6)				
Diversion of student enrollment in doctrinal and other courses that do not offer compensation (7)				
Reduced externship opportunities for students with lower academic performance (8)				
Other (please describe below) (9)				

17. Other:

18. If your school allows "Compensated" placements, identify the types of placements that are permitted to compensate students, and those that have actually compensated them since you adopted this policy:

	Permitted (1)	Actually Compensated (2)
Not-for-profit, public interest organizations (1)	<input type="checkbox"/>	<input type="checkbox"/>
Government (2)	<input type="checkbox"/>	<input type="checkbox"/>
Courts (3)	<input type="checkbox"/>	<input type="checkbox"/>
Unions, trade associations (4)	<input type="checkbox"/>	<input type="checkbox"/>
For-profit law firms (5)	<input type="checkbox"/>	<input type="checkbox"/>
For-profit corporations (6)	<input type="checkbox"/>	<input type="checkbox"/>
Other (describe below) (7)	<input type="checkbox"/>	<input type="checkbox"/>

19. Other:

20. If your school allows "Compensated" placements, how many total students enrolled in a compensated placement in the academic year that includes summer 2017, fall 2017, and spring 2018:

- 0-2 (1)
- 3-5 (2)
- 6-10 (3)
- 11-20 (4)
- 21-30 (5)
- 31-50 (6)
- 51-100 (7)
- 100+ (8)
- We don't track. (9)

21. If your school allows "Compensated" placements, are you officially informed how much students are getting paid, and what is the average hourly rate?

- Yes, I am informed. (1)
- No, I am not informed. (2)

22. I calculate the average hourly pay to be:

- (2)
- \$10-20 (3)
- \$21-30 (4)
- \$31-50 (5)
- \$51-75 (6)
- \$76-100 (7)
- >\$100 (8)

23. I estimate the average hourly pay to be:

- (2)
- \$10-20 (3)
- \$21-30 (4)
- \$31-50 (5)
- \$51-75 (6)
- \$76-100 (7)
- >\$100 (8)

24. If your school allows "Compensated" placements, what, if any, has been the effect on externship program enrollment and resources:

	Has increased (1)	Has decreased (2)	Unchanged (3)
Overall enrollment in externships (1)			
Public interest/pro bono enrollment (2)			
Number of faculty (3)			
Number of staff (4)			
Program costs (5)			
Program budget (6)			

25. If your school allows "Compensated" placements, did that policy lead to any changes in other externship program policies, practices, or procedures:

	Changed only for Compensated Placements (1)	Changed for all Placements (2)	Unchanged (3)
Capping credits earned in externships (1)			
Capping number of externships over law school (2)			
Restrictions on repeating placements (3)			
Counseling students interested in externships (4)			
Method by which students secure/are matched with placements (5)			
Vetting of proposed placements (6)			
Field supervisor training (7)			
Contact with placement during semester (8)			
Student reporting on field experience (9)			
Other (describe below) (10)			

26. Other:

27. If your school allows "Compensated" placements, describe your externship program's experience with those placements in comparison with the experience prior to adopting this policy, with respect to the following common externship program concerns:

	More Incidents (1)	Fewer Incidents (2)	Unchanged (3)
Poor supervision of students (1)			
Students assigned clerical/administrative tasks (2)			
Students not achieving learning goals (3)			
Difficulties retaining sufficient control of the student experience in paid externships (4)			
Inadequate resources to properly monitor student field experience at paid externships (5)			
Diversion of student demand for and interest in public interest/pro bono field placements and clinics (6)			
Diversion of student enrollment in doctrinal and other courses that do not offer compensation (7)			
Reduced externship opportunities for students with lower academic performance (8)			
Other (describe below) (9)			

28. Other:

29. If your school allows "Funded" placements, identify the types of placements for which students are permitted to receive funding, and those for which students actually received funding since you adopted this policy:

	Permitted (1)	Actually Funded (2)
Not-for-profit, public interest organizations (1)		
Government (2)		
Courts (3)		
Unions (4)		
For-profit law firms (5)		
For-profit corporations (6)		
Other (describe below) (7)		

30. Other:

31. If your school allows "Funded" placements, how many total students enrolled in a funded placement in the academic year that includes summer 2017, fall 2017, and spring 2018:

0-2 (1)

3-5 (2)

6-10 (3)

11-20 (4)

21-30 (5)

31-50 (6)

51-100 (7)

100+ (8)

We don't track. (9)

32. If your school allows "Funded" placements are you officially informed about the amount of such funding, and what is the average amount per student by semester?

	\$500-999 (2)	\$1,000-2,499 (3)	\$2,500-4,999 (4)	\$5,000 or more (5)
YES I'm informed, and I calculate the average to be (1)				
NO I'm not informed but I estimate the average to be (2)				

33. If your school allows "Funded" placements, what, if any, has been the effect on externship program enrollment and resources:

	Has increased (1)	Has decreased (2)	Unchanged (3)
Overall enrollment in externships (1)			
Public interest/pro bono enrollment (2)			
Number of faculty (3)			
Number of staff (4)			
Program costs (5)			
Program budget (6)			

34. If your school allows "Funded" placements, did that policy lead to any changes in other externship program policies, practices, or procedures:

	Changed only for Funded Placements (1)	Changed for all Placements (2)	Unchanged (3)
Capping credits earned in externships (1)			
Capping number of externships over law school (2)			
Restrictions on repeating placements (3)			
Counseling students interested in externships (4)			
Method by which students secure/are matched with placements (5)			
Vetting of proposed placements (6)			
Field supervisor training (7)			
Contact with placement during semester (8)			
Student reporting on field experience (9)			
Other (describe below) (10)			

35. Other:

36. If your school allows "Funded" placements, describe your externship program's experience with those placements in comparison with the experience prior to adopting this policy, with respect to the following common externship program concerns:

	More Incidents (1)	Fewer Incidents (2)	Unchanged (3)
Poor supervision of students (1)			
Students assigned clerical/administrative tasks (2)			
Students not achieving learning goals (3)			
Difficulties retaining sufficient control of the student experience in paid externships (4)			
Inadequate resources to properly monitor student field experience at paid externships (5)			
Diversion of student demand for and interest in public interest/pro bono field placements and clinics (6)			
Diversion of student enrollment in doctrinal and other courses that do not offer compensation (7)			
Reduced externship opportunities for students with lower academic performance (8)			
Other (describe below) (9)			

37. Other:

38. If your school allows "Reimbursements," do you set a monetary limit on the amount of those reimbursements?

Yes (1)

No (2)

39. If yes, what is the limit?

40. If your school allows "Reimbursements," for what categories of expenses do you permit reimbursements?

	Click to write Column 1	
	Yes (1)	No (2)
Local transportation (1)		
Parking (2)		
Housing (3)		
Travel to non-local field placements (4)		
Food (5)		
Other (describe below) (6)		

41. Other:

42. If your school allows "Reimbursements," do you monitor the total amount of reimbursements students have received?

Yes (1)

No (2)

43. If yes, what kinds of reimbursement have students received?

	Yes (1)	No (2)
	Local transportation (1)	
Parking (2)		
Housing (3)		
Travel to non-local field placement (4)		
Food (5)		
Other (describe below) (6)		

44. Other:

45. If yes, on average, what is the total amount of each kind of reimbursement over the course of the semester?

46. If your school allows "Reimbursements," what approach do you take to the availability of reimbursements? (Select all that apply)

- We actively encourage placements to offer reimbursements. (1)
- We identify placements that offer reimbursement. (2)
- We inform students of our reimbursement policy during the application process. (3)
- We have a published policy on reimbursements. (4)

47. Please provide any additional information you believe would help the CLEA Externship Committee understand how the issue of paid externships has evolved at your school:

Thank you for taking the time to complete this survey. For questions or suggestions about this survey or paid externships, please contact: Jodi Balsam, jodi.balsam@brooklaw.edu; Kendall Kerew, kkerew@gsu.edu; or Alex Scherr, scherr@uga.edu.