

# JUDICIAL EXTERNSHIPS: Sharing Current Practices

By Honorable Dinah Lennon Archambeault\*

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\* Associate Judge, Twelfth Judicial Circuit Court Will County Illinois; Presiding Judge Domestic Relations Division; Chair, Will County Law Student Judicial Extern Program; Co-Chair Will County Justice Access Corp; Juris Doctor, The John Marshall Law School. I extend a special thank you to Associate Professor Marin K. Levy for extending her continued guidance, support and encouragement as I researched and wrote this thesis. I also thank Duke Law School for the opportunity to participate in the Master of Judicial Studies Program.

## CONCLUSION

*The need for externships has risen over the years as the importance of providing experiential education to supplement traditional doctrinal law school education has become generally acknowledged. Despite the many articles on externships, few, if any, have addressed how judicial externs are selected and how judicial externships are structured in the courts.*

*It was necessary to conduct qualitative research to determine how various courts address their extern programs, if at all. Based on the research I have undertaken, practices vary among courts and judges. Not only is there no uniform practice with respect to which courts and even judges place externs and which courts do not, in those courts placing externs, despite some uniformity in providing observation and research assignments, there are variations in recruitment, selection, supervision and activities offered. Given the widespread variations, on a trial basis I propose that court's implement some tentative prescriptive measures for reform of judicial externships, based on practices found during my research, subject to further study.*

## INTRODUCTION

The primary skill taught in law school is to “think like a lawyer” by learning to “carefully parse judicial opinions”.<sup>1</sup> The dominant teaching tool law school professors use is case law, especially in the first year of law school.<sup>2</sup> But it is generally acknowledged that most law school

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<sup>1</sup> Tracey E. George & Mitu Gulati & Ann C. McGinley, *The New Old Legal Realism*, 105 NWLR 689, 690 (2011).

<sup>2</sup> *Id.*

graduates are not as prepared for the actual practice of law as they could or should be.<sup>3</sup> Since its inception, legal education in the United States has been criticized for not serving all the educational needs of new lawyers.<sup>4</sup> Even the most well designed instructional program will not prepare students to competently practice law after three years, as it is only one phase of learning.<sup>5</sup>

The expanded use of externships has been recommended as a reform to legal education.<sup>6</sup> Externships allow law schools to provide students exposure to the practice of law.<sup>7</sup> Guidelines set forth by the Greater Los Angeles Consortium on Externships recognize that the primary goal of most externships is to enhance a student's learning experience.<sup>8</sup> Many leaders in clinical legal education acknowledge that externships are important in providing clinical opportunities for law students.<sup>9</sup> Externships can bridge the gap between the practice of law and doctrinal education provided students in law school.<sup>10</sup>

Various articles set forth why externships are considered valuable in providing a meaningful component of legal education to supplement with experiential education what law

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<sup>3</sup> Roy Stuckey & Others, *Best Practices for Legal Education* 7 (2007).

<sup>4</sup> *Id.* at 2.

<sup>5</sup> *Id.* at 11.

<sup>6</sup> *Id.* at 52, citing to Mitu Gulati & Richard Sander & Robert Sockloskie, *The Happy Charade: An Empirical Examination Of The Third Year Of Law School*, 51 J. Legal Educ. 235, 263 (2001).

<sup>7</sup> See Stuckey, *supra* note 3 at 153.

<sup>8</sup> James H. Backman, *Where Do Externships Fit? A New Paradigm Is Needed: Marshaling Law School Resources To Provide An Externship For Every Student*, 56 J. Legal Educ. 615, 633 (2006).

<sup>9</sup> James H. Backman & Cory S. Clements, *Significant But Unheralded Growth of Large Extern Programs*, 28 BYU J. Pub. L. 145, 148 (2013).

<sup>10</sup> Sudeb Basu & J.P. "Sandy" Ogilvy, *Externship Demographics Across Two Decades With Lessons For Future Surveys*, 19 Clinical L. Rev. 1, 2 (2012).

schools cannot provide on their own through traditional doctrinal education. Externs are given the opportunity to understand and critique legal institutions, in legal offices and judicial chambers.<sup>11</sup> Externships can help students connect real-life problems with what they learn in the classroom, by letting students bring into the classroom real-life problems.<sup>12</sup> Participation in externships provides law students the opportunity to develop lawyering skills as well as professional values in a real-world workplace.<sup>13</sup> Externships are flexible, offering students options in convenient geographical locations.<sup>14</sup> Students can try out areas of the law that are of interest in a real life setting, prior to committing to a legal profession in a certain area, providing a means for the student to decide what type of law to practice, in what setting, to best suit the student's professional and personal goals.<sup>15</sup> Externships provide students with professional writing and research experience.<sup>16</sup> Externships play a role in preparing "practice ready lawyers" by training students to fill that role.<sup>17</sup> Externships are viewed as useful programs which can provide externs broadened practical knowledge of the legal profession so as to better prepare law students to practice law.<sup>18</sup>

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<sup>11</sup> See Stuckey, *supra* note 3 at 153.

<sup>12</sup> Mitu Gulati & Richard Sander & Robert Sockloskie, *The Happy Charade: An Empirical Examination Of The Third Year Of Law School*, 51 J. Legal Educ. 235, 263 (2001).

<sup>13</sup> Charity Scott, *Collaborating With The Real World: Opportunities For Developing Skills And Values In Law Training*, 9 Ind. Health L. Rev. 409, 425 (2012).

<sup>14</sup> James H. Backman & Jana B. Eliason, *The Student-Friendly Model: Creating Cost-Effective Externship Programs*, 28 Touro L. Rev. 1339, 1345 (2012).

<sup>15</sup> *Id.* at 1347.

<sup>16</sup> *Id.* at 1348, 1349.

<sup>17</sup> Cynthia Baker & Robert Lancaster, *Under Pressure: Rethinking Externships In A Bleak Economy*, 17 Clinical L. Rev. 71, 76 (2010).

<sup>18</sup> Christopher Keleher, *The Perils of Unpaid Internships*, 101 Ill.B.J. 626, 631 (Dec. 2013); Niki Kuckes, *Designing Law School Externships that Comply with the FLSA*, 21 Clinical L. Rev. 79 (2014); Captain Brain K.

Provision of experiential education in law school curriculum has grown nationally in recent years.<sup>19</sup> Field placements and externships are a vital part of experiential education.<sup>20</sup>

Based on surveys done, between 1992-1993 and 2011, the percent of law schools offering credit for externships has steadily increased as has the variety of externships offered.<sup>21</sup> Some literature addresses how to design an externship program in the law school setting, but not how to design an effective externship in the judicial setting.<sup>22</sup>

For many years prior to the modern concept of clinical education, law students have worked in judicial chambers, with various labels, such as extern, intern, and clerk.<sup>23</sup> For purposes of this thesis, it is important to define the term “extern” and “externship”. Oftentimes

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Carr, *The Externship Experience: Teaching New Dogs New Tricks*, J. Kan. B.A. 17 (2010); Katie Ball, *A Practical Opportunity*, 52 FEB. Advocate (Idaho) 32 (2009); See Scott, *supra* note 13 at 409; Steve Easton, Dean, *Law School News*, 33 Wyo. Law. 44 (2010); Robert MacCrate, *Preparing Lawyers to Participate Effectively in the Legal Profession*, 44 J. Legal Educ. 89 (1994); See Backman, *supra* note 14 at 1339.

<sup>19</sup> See Kuckes, *supra* note 18; Baker, *supra* note 17.

<sup>20</sup> ABA Standards and Rules of Procedure for Approval of Law Schools 2017-2018, Standard 303(a)(3).

<sup>21</sup> See Basu, *supra* note 10 at 5.

<sup>22</sup> J.P. Ogilvy, *Guidelines with Commentary for the Evaluation of Legal Externship Programs*, 38 Gonz. L. Rev. 155 (2002-2003); Amany Ragab Hacking, *Jumpstarting the Judicial Externship Experience: Building Upon Common Themes for Student Success in the Classroom and the Judge’s Chambers*, 21 Clinical L. Rev. 29 (2014); Michael Yarnell, *An Externship Program: Start It, Grow It, Improve It*, 3 Phoenix L. Rev. 473 (2010); James Backman, *Practical Examples for Establishing an Externship Program Available to Every Student*, 14 Clinical L. Rev. 1 (2007); Stacy Caplow, *From Courtroom to Classroom: Creating an Academic Component to Enhance the Skills and Values Learned in a Student Judicial Clerkship Clinic*, 75 Neb. L. Rev. 872 (1996); Gerald J. Clark, *Supervising Judicial Interns: A Primer*, 36 Suffolk L. Rev. 681 (2002-2003); See Scott, *supra* note 13.

<sup>23</sup> See Caplow, *supra* note 22 at 873.

the terms “extern” and “intern” are used interchangeably.<sup>24</sup> An intern can be defined as “an advanced student or graduate usually in a professional field.... gaining supervised practical experience”.<sup>25</sup> However, even if the term “intern” may be considered adequate, many legal scholars use the term “extern”.<sup>26</sup> “Extern” is a term law schools use to reference students who work for credit from their respective law school.<sup>27</sup> Those students who do not receive law school credit are considered “interns”.<sup>28</sup> A third category of law students are classified as “volunteers” when working in non-profit placements, for public service, religious or humanitarian objectives.<sup>29</sup> Here, I use the term “extern” to encompass all law students, whether or not receiving law school credit, participating in a judicial externship program. A judicial externship, as used here, is a program courts offer to provide law students experiential education.

The judicial externship is the most popular field placement.<sup>30</sup> Traditionally, judicial externships involve placing an extern with a judge in chambers and the courtroom, researching and observing.<sup>31</sup> But I wondered if in practice there is or could be more to offer a law student during a judicial externship. I questioned whether there existed in judicial externships any uniform practice being utilized consistently in various jurisdictions.

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<sup>24</sup> Natalie Wolfe, *Navigating Student Externship Programs in Chicago*, 29 MAR CBA Rec.32 (2015); See Ogilvy, *supra* note 22 at 179.

<sup>25</sup> See Clark, *supra* note 22 at 681, citing Webster’s Ninth Collegiate Dictionary 632 (1991).

<sup>26</sup> *Id.*

<sup>27</sup> See Wolfe, *supra* note 24.

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> See Hacking, *supra* note 22 at 30.

<sup>31</sup> *Id.*; Anna E. McDowell, *Working in Chambers: The Rewards of a Pre-graduation Judicial Externship*, 74 J. Kan. B. A. 7 (2005); See Carr, *supra* note 18 at 681footnote 1.

For all the literature on externships, I found little written on how externs are selected and how various courts structure their activities. One scholarly article recognized that “there has been little effort to compare programs or measure their effectiveness” when addressing clinical education, despite much variation with good or bad experiences, depending on the program quality.<sup>32</sup> It became apparent that it was important to undertake qualitative research to get a firmer sense of how judges find externs, once found, how externs are selected, once selected what activities externs are offered, and if the experience is beneficial. I sought to get a general idea of uniform practices, if any, and potential areas of dis-uniformity, if any, in judicial externships.

In Section One, I address the history behind the use of judicial externs. I then discuss the concept of best practices as it relates to legal education.

Section Two sets forth the data and methodology used in my survey of current practices. I sought to uncover whether, with respect to judicial externships, there is a uniform practice. I conducted qualitative research which included interviewing judges at the trial, Appellate and Supreme Court levels in Illinois. The qualitative research was designed to determine which courts place law students as externs, and to then ascertain how externs were recruited, how externs were selected, what activities externs are offered, and what benefits, if any, externships provide. For those courts not placing law students as externs, I inquired as to why they did not do so. The findings, which varied greatly, are set forth.

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<sup>32</sup> See George, *supra* note 1 at 262.

In Section Three, based on various practices, I suggest prescriptive measures for reform of judicial externships. I suggest combining those practices already in place for use in a model judicial extern program, using a committee format to oversee various components.

I then conclude that based on my findings, there is room for reform in the structure of judicial externships. Sharing ideas and practices that various judges have incorporated into their judicial extern programs and combining them into a uniform judicial externship may be a good place to start. Perhaps a trial period during which law students participate in judicial externships that offer various components administered by a committee of judges, attorneys and staff could be followed up with further research to determine what, if any, additional benefit is gained by the law students, law schools, and the judiciary.

## **I. Background**

### **A. History**

I find it not only interesting but important to understand how the concept of judicial externs developed and uncover what practices were utilized when offering extern programs. My research discloses that the historical role of law clerks and how they were found over the years remains similar to practices in place today with respect to judicial externs. The existence of a uniform practice with respect to how judicial externships actually operate at the ground level is less clear.

Over 100 years ago the idea of judicial clerking began when in 1875 Judge Horace Gray employed a law clerk to help with his heavy workload.<sup>33</sup> Judge Gray employed a law assistant

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<sup>33</sup> Rebecca Cochran, *Judicial Externships The Clinic Inside the Courthouse* 2-3 (Fourth Edition 2016).

who was a recent law school graduate, at his own expense.<sup>34</sup> He hired his first and subsequent law clerks on referral from his brother, a Harvard professor.<sup>35</sup> The benefit was for the judiciary.<sup>36</sup> In 1882, when Judge Gray was appointed to the Supreme Court, he took his legal assistant with him.<sup>37</sup> Shortly thereafter, in 1885, Attorney General A.H. Garland suggested that it would be a good idea to help the business of the Supreme Court by hiring a paid law clerk to assist the Justices.<sup>38</sup> Finally, in 1886, Congress approved the payment of \$1,600.00 for a “stenographic clerk” for each Justice of the Supreme Court, to help with increased workloads resulting in delays in judicial action.<sup>39</sup> Although initially hesitant to do so, by 1888, all of the Justices used stenographic clerks.<sup>40</sup> The clerks were found primarily through relatives or friends as well as from the bar and local law schools.<sup>41</sup>

Justice Gray can be considered the founder of law clerking and the one who defined the role of the law clerk.<sup>42</sup> Although Congress initially approved the hiring of “stenographic clerks” which seems to suggest the goal was to help with clerical work, Justice Gray continued to use his law clerks as he initially had done, to review cases, review colleagues’ opinions, and discuss with him their insights and views.<sup>43</sup> In 1919, Congress approved the provision of another clerical assistant for the Supreme Court Justices, somewhat clarifying that a law clerk was being

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<sup>34</sup> *Id.* at 3.

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

added to the staff in addition to the stenographic clerk.<sup>44</sup> It took two years for Chief Justice Taft to become the first Justice to use both assistants in 1921, but by 1939 all the Justices had two assistants.<sup>45</sup>

As judicial workloads continued to increase, so did the use of assistants.<sup>46</sup> In the 1930's, the idea of law clerking had spread to the lower federal courts.<sup>47</sup> Congress, in 1930, provided each judge in the circuit court one law clerk, and in 1936 district court judges could utilize law clerks under certain circumstances.<sup>48</sup> When caseloads in the federal courts exploded in 1960, the number of law clerks rapidly increased.<sup>49</sup> Annual judicial appropriations include line items for law clerks, with a general provision in each court authorizing the hiring of law clerks.<sup>50</sup> In the federal court system, Supreme Court Justices are allotted four law clerks, circuit court judges allotted 3 law clerks, and district court judges allotted two law clerks.<sup>51</sup>

In 1969 the term “externship” came into use, referring to so called “farm-out” clinics.<sup>52</sup> Clinics involved placements where full time faculty supervised and had primary responsibility for the cases that the students worked on.<sup>53</sup> However, now externships are considered field placements, and not synonymous with clinics, with someone other than full time faculty in

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<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> *Id.* at 4.

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> See Basu, *supra* note 10 at 3.

<sup>53</sup> *Id.*

charge.<sup>54</sup> Interestingly, at first more law students participated in externships than clinics, which changed in the 1980's until the mid1990's, when externship participation again surpassed clinic placements.<sup>55</sup>

By the 1970's law students starting serving as externs for federal and state court judges, both as volunteers and for academic credit.<sup>56</sup> Externships were divided into three types: 1) a general placement in a law office, 2) a selected placement, in a public agency with both the agency personnel and faculty of the law school jointly supervising, and 3) a substantive law class with a field component with either cases or research.<sup>57</sup>

In 1973 the American Bar Association (hereinafter ABA) first established accreditation standards on field placements in Standard 305, addressing studies outside of the classroom.<sup>58</sup> Now externships are considered field placements, distinguishable from clinics.<sup>59</sup> In field placements, either a faculty member or site supervisor directly supervises the law student's activities.<sup>60</sup>

In 1986 the ABA set forth specific requirements for educational objectives for externships.<sup>61</sup> The ABA continues to promulgate standards for law schools concerning

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<sup>54</sup> *Id*

<sup>55</sup> See Backman, *supra* note 9 at 149.

<sup>56</sup> See Basu, *supra* note 10 at 3.

<sup>57</sup> *Id.*

<sup>58</sup> Amany Ragab Hacking, *The Changing Roles and Expectations of Externship Clinics in a Diverse Legal Environment*, power point presentation, Section II; ABA Standard 305.

<sup>59</sup> See ABA Standards and Rules of Procedure for Approval of Law Schools, *supra* note 20, Standard 303(b)(1).

<sup>60</sup> *Id.*, Standard 304(c)(1).

<sup>61</sup> See Hacking, *supra* note 58, Section II. History of Clinical Education and Externships.

externships.<sup>62</sup> Standard 303(a)(3) articulates that an experiential course which may constitute credit must be a simulation course, a law clinic, or a field placement.<sup>63</sup> To satisfy this requirement, a course must be primarily experiential in nature and must:

- (i) integrate doctrine, theory, skills, and legal ethics, and engage students in performance of one or more of the professional skills identified in Standard 302;
- (ii) develop the concepts underlying the professional skills being taught;
- (iii) provide multiple opportunities for performance; and
- (iv) provide opportunities for self-evaluation.<sup>64</sup>

The professional skills identified in Standard 302 include:

- (i) knowledge and understanding of substantial and procedural law;
- (ii) legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context;
- (iii) exercise of proper professional and ethical responsibilities to clients and the legal system; and
- (iv) other professional skills needed for competent and ethical participation as a member of the legal profession.<sup>65</sup>

Initially, compensation was prohibited by ABA standards if a law student was to earn credit for participating in a judicial externship.<sup>66</sup> Just recently, this long-standing ban by ABA standards was changed to allow credit for participation in extern programs even if the law student received compensation, lifting the pay/credit ban.<sup>67</sup>

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<sup>62</sup> See *supra* note 20.

<sup>63</sup> *Id.*, Standard 303(a)(3).

<sup>64</sup> *Id.*, Standard 303(a)(3)(i-iv).

<sup>65</sup> *Id.*, Standard 302.

<sup>66</sup> ABA Standards and Rules of Procedure for Approval of Law Schools 2014-2015, Standard 305 Interpretation 305-2.

<sup>67</sup> See *supra* note 20, Standard 305, absent Interpretation 305-2.

At least one court also addressed guidelines for judicial externships. In Illinois, for example, the Illinois Supreme Court initially authorized placement of law students as externs in trial courts in 1991.<sup>68</sup> Thereafter, in 2004 the Illinois Supreme Court supplemented its approval and authorized placement of law students as judicial externs in the reviewing courts.<sup>69</sup> The intent behind the authorizations was “to provide and promote a mechanism for rigorous, practical and rewarding learning experiences for those law students who demonstrate the interest and capacity to serve as externs”.<sup>70</sup>

At the same time the Illinois Supreme Court authorized placement of law students as externs in the reviewing courts, Guidelines for the Placement of Judicial Externs in the Illinois Courts (hereinafter Guidelines) were approved.<sup>71</sup> The Guidelines were offered for guidance in the decision-making process of selecting judicial externs, task assignments, performance rating and verification.<sup>72</sup> The Guidelines specifically provided that judicial externs were not compensated, and set forth, in sections, 1) Court Resources and Responsibilities, 2) Law School Resources and Responsibilities, and 3) Responsibilities of Judicial Extern.<sup>73</sup> The Guidelines, in pertinent part, reference coordination between the extern’s learning objectives and court assignments (research, writing and court observation), coordination between the judiciary and

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<sup>68</sup> I was unable to locate the 1991 Authorization. However, an Administrative Office of the Illinois Courts Memorandum dated February 18, 2004 regarding Placement of Judicial Externs in the Illinois Courts specifically provides “This approval ... tracks the Court’s earlier authorization for the placement of law students as externs in the trial courts”. Administrative Office of the Illinois Courts Memorandum dated February 18, 2004.

<sup>69</sup> *Id.*

<sup>70</sup> *Id.*

<sup>71</sup> Supreme Court of Illinois Guidelines for the Placement of Judicial Externs in the Illinois Courts February 18, 2004.

<sup>72</sup> *Id.*

<sup>73</sup> *Id.*

law school faculty, and court supervision and management of externs, relative to the court's responsibilities.<sup>74</sup>

So why did the focus on externships come to the forefront of legal education? As set forth in the Introduction, externships serve to bridge the gap between the practice of law and doctrinal law school education.<sup>75</sup> As externships were a new addition to traditional legal education, the type of programs underwent an evolution and continue to evolve.<sup>76</sup>

As of December 2011, there were 200 approved law schools with one provisional program.<sup>77</sup> Of these, 190 offered externships for credit, whereas in prior surveys fewer schools offered externship courses for credit, demonstrating a continuing trend toward the use of externships.<sup>78</sup>

A recent review of the nine law schools in Illinois<sup>79</sup> confirms that externship programs are offered to law students without exception.<sup>80</sup> The various stated purposes, in part, include providing students “with practical experience to develop practice ready and problem solving

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<sup>74</sup> *Id.*

<sup>75</sup> *See* Basu, *supra* note 10.

<sup>76</sup> *Id.*

<sup>77</sup> *Id.*

<sup>78</sup> *Id.*

<sup>79</sup> American Bar Association at [www.americanbar.org](http://www.americanbar.org) (website last visited January 21, 2018).

<sup>80</sup> The John Marshall Law School at [www.jmls.edu](http://www.jmls.edu); Loyola University Chicago School of Law at [www.luc.edu/law](http://www.luc.edu/law); University of Illinois College of Law at <https://law.illinois.edu>; Northern Illinois University College of Law at [www.niu.edu/law](http://www.niu.edu/law); Chicago-Kent College of Law at [www.kentlaw.iit.edu](http://www.kentlaw.iit.edu); Southern Illinois University School of Law at [www.law.siu.edu](http://www.law.siu.edu); DePaul University College of Law at <https://law.depaul.edu>; University of Chicago Law School at [www.law.uchicago.edu](http://www.law.uchicago.edu); Northwestern University Pritzker School of Law at [www.law.northwestern.edu](http://www.law.northwestern.edu) (websites last visited January 21, 2018).

skills”<sup>81</sup>, “to develop essential lawyering skills”<sup>82</sup>, “to gain valuable career experience while making important professional contacts”<sup>83</sup>, “broaden ...employment opportunities”<sup>84</sup>, “offer real world experience “<sup>85</sup>, “feedback and guidance”<sup>86</sup>, “hands-on learning”<sup>87</sup>, “extensive opportunities to practice.... lawyerly skills”<sup>88</sup> and “with educational opportunities through practical experience as a supplement to traditional law school courses”<sup>89</sup>. All of the Illinois law schools offer the opportunity to earn school credit for field placements with classroom component requirements in addition to placement hour and credit hour requirements.<sup>90</sup>

Illinois law schools do differ in how they structure their externship programs. Which level students can participate and how many credit hours that can be earned vary, as do the requirements for special field placements such as judicial externships. For example, the number of credit hours a student may earn varies, from one up to four<sup>91</sup>, or is limited in another instance to two or three<sup>92</sup>. A judicial externship at yet another law school is a four credit hour program.<sup>93</sup> Another variation on externships is at a law school which discloses externs typically earn three hours of credit, with judicial externships specifically limited to third year students with a GPA of

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<sup>81</sup> See Loyola University Chicago School of Law, *supra* note 80.

<sup>82</sup> See The John Marshall Law School, *supra* note 80.

<sup>83</sup> See DePaul University College of Law, *supra* note 80.

<sup>84</sup> See Chicago-Kent College of Law, *supra* note 80.

<sup>85</sup> See University of Illinois College of Law, *supra* note 80.

<sup>86</sup> See Northern Illinois University College of Law, *supra* note 80.

<sup>87</sup> See Northwestern University Pritzker School of Law, *supra* note 80.

<sup>88</sup> See University of Chicago Law School, *supra* note 80.

<sup>89</sup> See Southern Illinois University School of Law, *supra* note 80.

<sup>90</sup> See Wolfe, *supra* note 24 at 34.

<sup>91</sup> See The John Marshall Law School, *supra* note 80.

<sup>92</sup> See Loyola University Chicago School of Law, *supra* note 80.

<sup>93</sup> See Chicago-Kent College of Law, *supra* note 80.

at least 2.8.<sup>94</sup> Effective for the Class of 2019, one law school is requiring completion of at least eight total credits in experiential learning classes, which encompasses field placements in addition to coursework.<sup>95</sup> Given these differences, externships continue to evolve.

I wondered if that evolution resulted in a best practice with respect to judicial extern programs. A bit of background on the concept of best practice I find helpful. Best practices is a common research and development technique, originally a concept used in industry to identify superior means of achieving a goal through “benchmarking”.<sup>96</sup> The term is now utilized in academia.<sup>97</sup> Best practices have been defined in many ways, including “those actions that surpass all others in the pursuit of a goal or purpose according to some objectively measurable standard.”<sup>98</sup>

In 2001, the Clinical Legal Education Association established a committee “to develop a “Statement of Best Practices for Legal Education””.<sup>99</sup> The goal was to gain an understanding of how to best “prepare law students for the practice of law as members of a client-centered public profession.”<sup>100</sup> This study was motivated in part because of concern that new lawyers were not adequately prepared when they began practicing law.<sup>101</sup> The study sought to find ways to

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<sup>94</sup> See Northern Illinois University College of Law, *supra* note 80.

<sup>95</sup> See University of Chicago Law School, *supra* note 80.

<sup>96</sup> Ira A. Robbins, *Best Practices on “Best Practices”*: *Legal Education and Beyond*, 16 *Clinical L. Rev.* 269 (2009).

<sup>97</sup> *Id.*

<sup>98</sup> *Id.* at 291.

<sup>99</sup> See Stuckey, *supra* note 3 at viii.

<sup>100</sup> *Id.*

<sup>101</sup> *Id.* at 1.

improve legal education, using sound educational theories as well as practices.<sup>102</sup> Addressed in the study was experiential education, which included externships.<sup>103</sup>

Judicial placements were seen as helping students learn about the judiciary, in a real, not artificial, setting.<sup>104</sup> The report set forth what it considered to be “best practices” for externship courses.<sup>105</sup> The study recommended the inclusion of several components as comprising best practices.<sup>106</sup> Components include 1) achievement of educational goals more effectively and more efficiently than other methods of instruction, 2) faculty involvement, 3) establishment of criteria for site supervisors, 4) establishment of standards for work assigned and for supervisors, 5) consideration of student needs in placements, 6) provision of malpractice insurance (if needed), 7) approval of student work in advance and monitoring of performance, 8) preparation of students to meet their obligations, 9) provision of the opportunity for students to interact with faculty and other students, and 10) provision of adequate facilities, equipment and staffing at the placement site.<sup>107</sup>

However, application of the term “best practices” to legal education has also been criticized, for several reasons. First, there is no common goal to legal education, as it may be to prepare the student for the first day of practicing law, or to think like a lawyer, or even think like a judge with the educational experience differing from law school to law school.<sup>108</sup> Law

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<sup>102</sup> *Id.* at 4.

<sup>103</sup> *Id.* at 166 (included in their definition was both simulated and real-life experience).

<sup>104</sup> *Id.*

<sup>105</sup> *Id.* at 198-205.

<sup>106</sup> *Id.*

<sup>107</sup> *Id.*

<sup>108</sup> *Id.* at 269.

students have different goals, to practice in a large firm, small firm, litigate, not litigate, and other diverse goals.<sup>109</sup> Second, how to teach to achieve goals differs, with structure or experiential education, academic or practical learning or some combination of the two options.<sup>110</sup> Third, the ability to objectively verify what are the best practices is impossible to measure, as the success or failure of law school education is inherently subjective.<sup>111</sup>

I do not take a position one way or the other. However, given the recommendations as well as the perceived difficulties with the concept of “best practices” as it relates to legal education, I will use the term defined as follows: Best practice means a procedure that has been shown by experience to produce optimal results and that is proposed for widespread adoption.<sup>112</sup>

Given the long history of the use of law clerks and the progression to the placement of law students in the judicial setting, and despite the vast literature written on externships, I found scant information about how judicial externships truly operate at the ground level. In fact, one scholar noted that many contemporary commentators raised concerns about the quality of externships with respect to supervisors, questioning whether the work assigned was challenging, whether there was proper supervision and whether there was an educational component to the externship.<sup>113</sup> Not knowing whether these were valid concerns, I thought it important to research what practices were in place.

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<sup>109</sup> *Id.* at 297.

<sup>110</sup> *Id.* at 300.

<sup>111</sup> *Id.* at 302.

<sup>112</sup> Merriam-Webster Dictionary online at [www.merriam-webster.com](http://www.merriam-webster.com) (website last visited February 3, 2018).

<sup>113</sup> Brook K. Baker & John McDevitt & Robyn Miliano, *Learning Through Work: An Empirical Study Of Legal Internship*, 45 J. Legal Educ. 1, 7-8 (1995).

Understanding the history of how the use of externships evolved, and as most, if not all, law schools now offer credit for externship participation, I wondered how many judges even offer law students the opportunity to participate in judicial extern programs. I wondered whether there is a uniform practice in place for judicial externships among those programs offered. I wondered if there were differences between trial and reviewing courts. I conducted my own qualitative research to find out if and what practices are in place.

## **II. Survey of Current Practices**

### **A. Data and Methodology**

My study utilizes qualitative research, primarily from phone interviews with Illinois judges.<sup>114</sup> Some personal interviews were conducted, and I spoke to court administrators and other court staff members when judges suggested it would be helpful to do so.<sup>115</sup>

Illinois judges were chosen due to the diversity in court makeup. In Illinois, there are judges at three levels of court.<sup>116</sup> At the trial court level, Illinois has both circuit and associate

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<sup>114</sup> I personally thank all the Illinois Supreme Court Justices, Appellate Court Justices and trial court Judges that took the time to speak with me relative to my research on judicial externships.

<sup>115</sup> I personally thank all the Illinois Court administrators and other court staff that took the time to speak with me relative to my research on judicial externships.

<sup>116</sup> [Illinoiscourts.gov/General/CourtsInIL.asp](http://Illinoiscourts.gov/General/CourtsInIL.asp) (website last visited February 12, 2018).

judges in 23 circuits plus Cook County<sup>117</sup>, with 42<sup>118</sup> Justices in 5 District Appellate courts, and 7 Justices in the Supreme Court.<sup>119</sup> Illinois courts serve over 12.8 million residents,<sup>120</sup> located in 102 counties.<sup>121</sup> In 2016, filings statewide at the trial court level totaled over 2.5 million,<sup>122</sup> with 6,835 filings in the Appellate Courts<sup>123</sup> and 2,244 filings in the Supreme Court.<sup>124</sup> Counties range from densely populated Cook County with over 5 million people<sup>125</sup> and collar counties where a single county is an entire circuit to less populated counties in downstate Illinois, where judges in a single circuit serve multiple counties. Thus, the caseload varies greatly between the circuits and the Appellate districts.<sup>126</sup> There are 9 law schools located in Illinois<sup>127</sup>, with Cook County

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<sup>117</sup> *Id.*

<sup>118</sup> *Id.* (additional Appellate Justices are assigned temporarily as need dictates).

<sup>119</sup> *Id.*

<sup>120</sup> [Worldpopulationreview.com/states/Illinois-population](http://Worldpopulationreview.com/states/Illinois-population) (website last visited December 26, 2017).

<sup>121</sup> See [Illinoiscourts.gov/General/CourtsInIL.asp](http://Illinoiscourts.gov/General/CourtsInIL.asp), *supra* note 116.

<sup>122</sup> [Illinoiscourts.gov/CircuitCourt/CCStats.asp](http://Illinoiscourts.gov/CircuitCourt/CCStats.asp) (website last visited March 23, 2018).

<sup>123</sup> [Illinoiscourts.gov/AppellateCourt/CaseStats/Caseload\\_AC.asp](http://Illinoiscourts.gov/AppellateCourt/CaseStats/Caseload_AC.asp) (website last visited March 23, 2018).

<sup>124</sup> [Illinoiscourts.gov/SupremeCourt/Caseload\\_SC.asp](http://Illinoiscourts.gov/SupremeCourt/Caseload_SC.asp) (website last visited March 23, 2018).

<sup>125</sup> See [Worldpopulationreview.com/states/Illinois-population](http://Worldpopulationreview.com/states/Illinois-population), *supra* note 120.

<sup>126</sup> For example, in 2015 at the appellate court level, pending cases for the First District totaled 5,307, Second 1,299, Third 834, Fourth 1,099 and Fifth 717. [Illinoiscourts.gov/AppellateCourt/CasesStats/CL-1<sup>st</sup>,2<sup>nd</sup>,3<sup>rd</sup>,4<sup>th</sup>,5<sup>th</sup>.asp](http://Illinoiscourts.gov/AppellateCourt/CasesStats/CL-1<sup>st</sup>,2<sup>nd</sup>,3<sup>rd</sup>,4<sup>th</sup>,5<sup>th</sup>.asp) (website last visited December 28, 2017).

<sup>127</sup> See *supra* note 79.

boasting 6 law schools<sup>128</sup>, one in a collar county<sup>129</sup>, one located mid-state<sup>130</sup> and one in southern Illinois.<sup>131</sup> There are also several law schools in surrounding states.<sup>132</sup>

Given the obviously diverse nature of the state's makeup with respect to population, urban and rural areas, location or lack thereof to law schools, and circuit and Appellate district makeup and case load, I thought that Illinois would be an ideal sample for this research.<sup>133</sup> As set forth in Section One, in 1991 the Illinois Supreme Court authorized the placement of law students in the trial courts, and in 2004 the reviewing courts<sup>134</sup>, with Guidelines<sup>135</sup>, which I thought further supported Illinois as a good choice for research on whether there are any uniform practices being followed with respect to judicial externships.

I contacted at least one, and in some instances more than one judge (and during some interviews was referred to staff) in each of the 23 circuits,<sup>136</sup> plus Cook County, and completed

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<sup>128</sup> See The John Marshall Law School at [www.jmls.edu](http://www.jmls.edu), Loyola University Chicago School of Law at [www.luc.edu/law](http://www.luc.edu/law), Chicago-Kent College of Law at [www.kentlaw.iit.edu](http://www.kentlaw.iit.edu), DePaul University College of Law at <https://law.depaul.edu>, University of Chicago Law School at [www.law.uchicago.edu](http://www.law.uchicago.edu), Northwestern University Pritzker School of Law at [www.law.northwestern.edu](http://www.law.northwestern.edu), *supra* note 80.

<sup>129</sup> See Northern Illinois University College of Law, *supra* note 80.

<sup>130</sup> See University of Illinois College of Law, *supra* note 80.

<sup>131</sup> See Southern Illinois University School of Law, *supra* note 80.

<sup>132</sup> There are two law schools in Indiana, Valparaiso University Law School at [www.valpo.edu](http://www.valpo.edu) (website last visited March 22, 2018) and University of Notre Dame Law School at <http://law.nd.edu> (website last visited March 22, 2018), relatively close to northern Illinois, two in St. Louis, Missouri, Washington University in St. Louis Law School at <http://law.wustl.edu> (website last visited March 22, 2018) and St. Louis University School of Law at <http://law.slu.edu> (website last visited March 22, 2018), close to the southern Illinois border, and one in neighboring Iowa, University of Iowa College of Law at <http://law.uiowa.edu> (website last visited March 22, 2018).

<sup>133</sup> I also am located in Illinois which helped facilitate the interview process.

<sup>134</sup> See *supra* note 69.

<sup>135</sup> See *supra* note 71.

<sup>136</sup> I serve in the 12<sup>th</sup> Judicial Circuit Court so include in the number an interview with a judge in my Circuit though do not include myself in the number of judges interviewed.

interviews with at least one judge from each circuit.<sup>137</sup> In addition, I contacted and interviewed one or more Appellate Court Justices from each of the 5 Districts. Finally, I interviewed 3 Illinois Supreme Court Justices. In total, I interviewed forty-six judges<sup>138</sup> in addition to several court administrators and staff.

The judges interviewed were selected in several ways. Almost half of the judges I interviewed were those I knew either personally or from serving on committees together, so I chose judges I knew in various jurisdictions. I then selected almost half of the judges randomly, from circuits where I knew no one, to make sure I had interviewed at least one judge from every jurisdiction. A handful of judges I interviewed, in addition to staff I interviewed, resulted from referrals by other judges during the interview process. Among others, I was referred to one retired judge who I also interviewed.

Generally, interviews with judges lasted between fifteen to thirty minutes, with a few longer interviews. Judges were asked if they had experience with law students as externs,<sup>139</sup> with the term extern defined as including unpaid law students in a judicial placement to earn law school credit and or experience. If the judge had no experience with law students as externs, we discussed the reasons why not. Conversely, if the judge had experience with externs, the interview proceeded to explore the process leading up to the judicial placement, addressing recruitment procedures and selection criteria, and the reason for participating in law school

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<sup>137</sup> The court administrators were initially contacted simply to inquire as to whether their circuit had externs and if so, which judge would be the best to contact.

<sup>138</sup> This total number of judges interviewed includes those serving in the Supreme, Appellate and Trial Courts in Illinois, excluding myself.

<sup>139</sup> It was noted that the term extern is used interchangeably with intern, so the definition for purposes of the interview was explained.

extern programs. Generally, questions were then asked about what the extern did during the placement, and the benefits of said placement. Depending on the feedback, additional questions arose and were discussed. At times I was referred to other judges or staff whom the interviewee felt could add to my research.

## **B. Findings**

My research disclosed that there is no completely uniform practice being followed for placing externs or which judges place them. The scope of extern activities varies, though all judicial externships did involve courtroom observation and research assignments. Location to law schools seems to matter in some instances but not in others. There are a few structured judicial extern programs in place, and in those instances, I address the programs in more detail. I have divided my findings by level of court, as even among the same courts there is no established uniform practice for judicial extern programs.

### **1. Illinois Supreme Court**

I interviewed by phone three Illinois Supreme Court Justices.<sup>140</sup> As the offices are independently located, the Justices do not tend to share their practices for externships.<sup>141</sup> The externs serving the individual Justices do not interact, unless they happen by coincidence to be observing oral arguments at the same session.<sup>142</sup>

#### **a. No Externs**

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<sup>140</sup> Interview with a Justice of the Illinois Supreme Court, First District (November 7, 2017); Interview with a Justice of the Illinois Supreme Court, Fourth District (November 7, 2017); Interview with a Justice of the Illinois Supreme Court, Fifth District (December 11, 2017).

<sup>141</sup> Interview with a Chief Staff Attorney, Illinois Supreme Court, Fifth District (December 11, 2017).

<sup>142</sup> *Id.*

One Justice had no law student externs, although knowing that other colleagues at the Supreme Court level did.<sup>143</sup> The Justice was concerned with the strict confidentiality policy, given the cases are in the highest state court.<sup>144</sup> As externs would be placed at the local office, space was a real concern, with no room for an extern in addition to the two term clerks who were employed.<sup>145</sup> The term clerks were recent law school graduates, who were trained, in addition to two permanent clerks on staff.<sup>146</sup>

### **b. Externs**

I interviewed two additional Illinois Supreme Court Justices, both of whom place law students as judicial externs.<sup>147</sup> One Justice had two 3L externs each semester, and each summer, for a total of six per year, primarily from four of the Chicago area law schools.<sup>148</sup> The students were directed to apply from their respective schools.<sup>149</sup> The applicants were screened by the full time law clerk and the Justice then interviewed the applicants.<sup>150</sup>

The law students selected as externs read briefs, review records on appeal, and observe oral arguments, either in person or online.<sup>151</sup> They work with the supervising law clerk, and draft preliminary memos.<sup>152</sup> The Justice explained that the law clerk teaches the externs what to

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<sup>143</sup> Interview with a Justice of the Illinois Supreme Court, Fourth District, *supra* note 140.

<sup>144</sup> *Id.*

<sup>145</sup> *Id.*

<sup>146</sup> *Id.*

<sup>147</sup> Interview with a Justice of the Illinois Supreme Court, First District, Interview with a Justice of the Illinois Supreme Court, Fifth District, *supra* note 140.

<sup>148</sup> Interview with a Justice of the Illinois Supreme Court, First District, *supra* note 140.

<sup>149</sup> *Id.*

<sup>150</sup> *Id.*

<sup>151</sup> *Id.*

<sup>152</sup> *Id.*

look for, which the Justice considered a great teaching experience for the law clerk and a great learning experience for the externs.<sup>153</sup> The Justice meets with the externs, who sign confidentiality agreements, and they learn what occurs in chambers, and learn the concept of professionalism.<sup>154</sup> The externship is viewed as a good learning experience for the law students, who experience career aspects of appellate work, which aids them in career choices.<sup>155</sup>

Another Justice had law schools reach out to place students, from law schools about 50-60 miles away from the Justice's location.<sup>156</sup> The law students apply, submitting a transcript, writing sample, and recommendations prior to an "in person" interview.<sup>157</sup> The "in person" interview, in part, gives the student the logistical challenges associated with the office location, prior to committing if selected.<sup>158</sup> Most law students extern part time during the semester, though some during the summer, with flexible schedules as their law school demands allow and require for credit hours.<sup>159</sup> The students are typically 2L but sometimes 3L, with one and sometimes two externing together.<sup>160</sup>

Once selected, the student is provided the policy dealing with judicial externs.<sup>161</sup> In addition to the written information about confidentiality, confidentiality is also discussed with them.<sup>162</sup> The Justice arranges for the externs to view court proceedings in other courts, at the

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<sup>153</sup> *Id.*

<sup>154</sup> *Id.*

<sup>155</sup> *Id.*

<sup>156</sup> Interview with a Justice of the Illinois Supreme Court, Fifth District, *supra* note 140.

<sup>157</sup> Interview with a Chief Staff Attorney of the Illinois Supreme Court, Fifth District, *supra* note 141.

<sup>158</sup> *Id.*

<sup>159</sup> Interview with a Justice of the Illinois Supreme Court, Fifth District, *supra* note 140.

<sup>160</sup> *Id.*

<sup>161</sup> Interview with a Chief Staff Attorney, Illinois Supreme Court, Fifth District, *supra* note 141.

<sup>162</sup> *Id.*

trial and Appellate levels, as they need more observation time than one observation session in the Supreme Court provides.<sup>163</sup> The externs spend time in the law library, and the Justice greets them daily, and discusses with them in depth research when needed for a special assignment.<sup>164</sup>

The law clerk supervises the externs and wants them to have a productive and meaningful learning experience.<sup>165</sup> The law clerk provides feed back to the law school and conducts exit interviews at the end of the externship.<sup>166</sup> The law clerk provides and oversees the externs' research, mostly on petitions for leave to appeal, though the Justice discusses with them their research and draft opinions, regarding which direction to take and why, on those special assignments that come directly from the Justice.<sup>167</sup>

Though the Justices maintain their respective practices for externs, they are similar. In both instances while the externs interact with the law clerk, they also interact with their Justice about their observations and research.<sup>168</sup>

Both Justices commented that the externship experience at the Supreme Court level is considered a benefit for both the extern and the Court.<sup>169</sup> One Justice recognized that the

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<sup>163</sup> Interview with a Justice of the Illinois Supreme Court, Fifth District, *supra* note 140.

<sup>164</sup> *Id.*

<sup>165</sup> Interview with a Chief Staff Attorney, Fifth District, *supra* note 141.

<sup>166</sup> *Id.*

<sup>167</sup> *Id.*; Interview with a Justice of the Illinois Supreme Court, Fifth District, *supra* note 141.

<sup>168</sup> Interview with a Justice of the Illinois Supreme Court, First District, Interview with a Justice of the Illinois Supreme Court, Fifth District, *supra* note 140.

<sup>169</sup> Interview with a Justice of the Illinois Supreme Court, First District, Interview with a Justice of the Illinois Supreme Court, Fifth District, *supra* note 140; Interview with a Chief Staff Attorney, Illinois Supreme Court, Fifth District, *supra* note 141.

students learn professionalism and expand their knowledge of career choices.<sup>170</sup> Given the differences between the trial court and Supreme Court, the externs get as much out of the experience as they put into it.<sup>171</sup> Although the main benefit is to the extern, who observes, researches and meets with the Justice, one Justice found that there is a secondary benefit to the Court through research performed and discussions about issues.<sup>172</sup>

## 2. Illinois Appellate Courts

There are five Appellate Districts, with substantial differences in caseload volume and location.<sup>173</sup> I conducted phone interviews with seven Illinois Appellate Court Justices.<sup>174</sup>

At the Appellate level, the use of law students as externs varies, depending on the District. All the Appellate Court Justices have paid career law clerks.<sup>175</sup> In those courts with externs, the law clerks interact extensively with the externs, generally supervising them.<sup>176</sup>

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<sup>170</sup> Interview with a Justice of the Illinois Supreme Court, First District, *supra* note 140.

<sup>171</sup> Interview with a Chief Staff Attorney, Illinois Supreme Court, Fifth District, *supra* note 141.

<sup>172</sup> Interview with a Justice of the Illinois Supreme Court, Fifth District, *supra* note 140.

<sup>173</sup> *See supra* note 124.

<sup>174</sup> Interview with a Justice of the Illinois First District Appellate Court, First Division (December 11, 2017); Interview with a Justice of the Illinois First District Appellate Court, Fifth Division (February 22, 2018); Interview with a Justice of the Illinois Second District Appellate Court (November 8, 2017); Interview with a Justice of the Illinois Third District Appellate Court (November 7, 2017); Interview with a Justice of the Illinois Fourth District Appellate Court (November 6, 2017); Interview with a Justice of the Illinois Fourth District Appellate Court (November 6, 2017); Interview with a Justice of the Illinois Fifth District Appellate Court (November 6, 2017).

<sup>175</sup> *Id.*

<sup>176</sup> Interview with a Justice of the Illinois First District Appellate Court, First Division, Interview with a Justice of the Illinois First District Appellate Court, Fifth Division, Interview with a Justice of the Illinois Third District Appellate Court, Interview with a Justice of the Illinois Fourth District Appellate Court, Interview with a Justice of the Illinois Fifth District Appellate Court, *supra* note 174.

Though there are similarities in the role of the extern at the Appellate Court level, one Justice commented that a standard orientation would be helpful.<sup>177</sup>

**a. No Externs**<sup>178</sup>

One Justice currently has no externs, though has had externs in the past and found it to be a great experience that the Justice enjoyed.<sup>179</sup> However, the Justice explained that whether externs are placed is dependent on whether someone, either the Justice or the law clerk, is available to supervise, and this was considered a problem with vacation schedules.<sup>180</sup> Another Justice had externs at the trial court level but not as an Appellate Court Justice.<sup>181</sup> Rather, the Justice has law clerks.<sup>182</sup> As Appellate Court work is different from trial court work, the Justice found trial court work more interesting to law students.<sup>183</sup> At the Appellate level the externs are limited to putting together opinions, and not seeing the whole trial process.<sup>184</sup> Though approached by the Justice's alma mater law school to place externs when previously serving as a trial court judge, the Justice has not been approached since serving in the Appellate Court.<sup>185</sup>

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<sup>177</sup> Interview with a Justice of the Illinois First District Appellate Court, First Division, *supra* note 174.

<sup>178</sup> Only one Justice had no externs at the Appellate level, however, other Justices may have no current externs but have had some in the past and plan to again so are included in the Extern section.

<sup>179</sup> Interview with a Justice of the Illinois Second District Appellate Court, *supra* note 174.

<sup>180</sup> *Id.*

<sup>181</sup> Interview with a Justice of the Illinois Fourth District Appellate Court, *supra* note 174.

<sup>182</sup> *Id.*

<sup>183</sup> *Id.*

<sup>184</sup> *Id.*

<sup>185</sup> *Id.*

## b. Externs<sup>186</sup>

Other Justices do have law student externs, with some summer placements and some, though not regularly, semester placements.<sup>187</sup> One Justice places law students as externs based on personal referral.<sup>188</sup> Other Justices place law students from schools in close proximity to their offices.<sup>189</sup> Some law schools reach out to the courts for placement opportunities,<sup>190</sup> though not to all Justices,<sup>191</sup> and sometimes a Justice reaches out to the law school if there is an opening for an extern placement.<sup>192</sup> One Justice limits externs to one at a time,<sup>193</sup> though another may have two summer externs.<sup>194</sup> Good writing skills are important, so most require writing samples, in addition to applications, resumes and recommendations, to ensure the law student has the level of schooling needed for legal writing in the Appellate Court.<sup>195</sup>

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<sup>186</sup> This section includes interviews with Justices who currently have or have had law student externs at the Appellate Court level.

<sup>187</sup> Interview with a Justice of the Illinois First District Appellate Court, First Division, Interview with a Justice of the Illinois First District Appellate Court, Fifth Division, Interview with a Justice of the Illinois Second District Appellate Court, Interview with a Justice of the Illinois Third District Appellate Court, Interview with a Justice of the Illinois Fifth District Appellate Court, *supra* note 174.

<sup>188</sup> Interview with a Justice of the Illinois First District Appellate Court, First Division *supra* note 174.

<sup>189</sup> Interview with a Justice of the Illinois Third District Appellate Court, First Division, Interview with a Justice of the Illinois Fifth District Appellate Court, *supra* note 174.

<sup>190</sup> Interview with a Justice of the Illinois First District Appellate Court, First Division, Interview with a Justice of the Illinois Third District Appellate Court, Interview with a Justice of the Illinois Fourth District Appellate Court, Interview with a Justice of the Illinois Fifth District Appellate Court, *supra* note 174.

<sup>191</sup> Interview with a Justice of the Illinois Fourth District Appellate Court, *supra* note 174.

<sup>192</sup> Interview with a Justice of the Illinois First District Appellate Court, First Division, *supra* note 174.

<sup>193</sup> *Id.*

<sup>194</sup> Interview with a Justice of the Illinois Third District Appellate Court, *supra* note 174.

<sup>195</sup> Interview with a Justice of the Illinois First District Appellate Court, First Division, Interview with a Justice of the Illinois Fifth District Appellate Court, *supra* note 174.

One Justice usually places 1L but on occasion 2L students as externs,<sup>196</sup> while another primarily places 2L and 3L students.<sup>197</sup> A third Justice limited placement to 3L students.<sup>198</sup> However, one Justice prefers 3L and 2L students, who have more legal education prior to placement as a judicial extern at the Appellate Court level.<sup>199</sup>

Most, though not all, externs in the Appellate Court were earning law school credit as a judicial extern.<sup>200</sup> Generally, externs at the Appellate Court level review briefs, identify issues, research and draft memos and, in some instances, orders and opinions.<sup>201</sup> They also observe oral arguments, and may interact with other Justices at that time.<sup>202</sup> The law clerks generally oversee the externs, but externs also interact with their Justice in discussing cases.<sup>203</sup> In one instance, the externs are invited to attend the appellate lawyers' luncheon, which provides an added networking benefit to their externship experience.<sup>204</sup>

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<sup>196</sup> Interview with a Justice of the Illinois Third District Appellate Court, *supra* note 174.

<sup>197</sup> Interview with a Justice of the Illinois First District Appellate Court, First Division, *supra* note 174.

<sup>198</sup> Interview with a Justice of the Illinois Fifth District Appellate Court, *supra* note 174.

<sup>199</sup> Interview with a Justice of the Illinois Fifth District Appellate Court, *supra* note 174.

<sup>200</sup> Interview with a Justice of the Illinois Third District Appellate Court, Interview with a Justice of the Illinois Fourth District Appellate Court, Interview with a Justice of the Illinois Fifth District Appellate Court, *supra* note 174.

<sup>201</sup> *Id.*

<sup>202</sup> *Id.*

<sup>203</sup> Interview with a Justice of the Illinois First District Appellate Court, First Division, Interview with a Justice of the Illinois Second District Appellate Court, Interview with a Justice of the Illinois Third District Appellate Court, Interview with a Justice of the Illinois Fourth District Appellate Court, Interview with a Justice of the Illinois Fifth District Appellate Court, *supra* note 174.

<sup>204</sup> Interview with a Justice of the Illinois Third District Appellate Court, *supra* note 174.

As one Justice points out, it takes a lot of clerk time to train an extern,<sup>205</sup> with another Justice noting an added difficulty when having to train a new law clerk at the same time as having to train a law student extern.<sup>206</sup> Also mentioned were space concerns.<sup>207</sup>

But one Justice saw benefit in having young people around and seeing them learn, bringing fresh ideas to the court, and providing the extern an eye opening experience to see all aspects of the law, which the Justice considered an incredible experience with criminal and civil research and observing, as well as obtaining a comfort level in court.<sup>208</sup> Another Justice recognizes that the goal is to teach the extern the process from start to finish, which helps the extern with career choices-to help determine if writing is or is not for them!<sup>209</sup> One Justice places externs as it is a good experience for the law student and a way to give back,<sup>210</sup> similar to another Justice's comment that mentoring for all students is important.<sup>211</sup> The externship is to benefit the student, depending on how much they put into the experience.<sup>212</sup>

An interview with one Justice was particularly enlightening based on the Justice's passion for helping law students and I address those findings separately as this Justice has developed an extern program at the Appellate level which involves more than research and observation, incorporating training and exposure to other courts.<sup>213</sup> The Justice had 12-14

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<sup>205</sup> Interview with a Justice of the Illinois First District Appellate Court, First Division, *supra* note 174.

<sup>206</sup> Interview with a Justice of the Illinois Fourth District Appellate Court, *supra* note 174.

<sup>207</sup> *Id.*

<sup>208</sup> Interview with a Justice of the Illinois First District Appellate Court, First Division, *supra* note 174.

<sup>209</sup> Interview with a Justice of the Illinois Third District Appellate Court, *supra* note 174.

<sup>210</sup> Interview with a Justice of the Illinois Fourth District Appellate Court, *supra* note 174.

<sup>211</sup> Interview with a Justice of the Illinois Fifth District Appellate Court, *supra* note 174.

<sup>212</sup> *Id.*

<sup>213</sup> Interview with a Justice of the Illinois First District Appellate Court, Fifth Division, *supra* note 174.

externs as a trial court judge, and continues to place 4 externs per semester since advancing to the Appellate bench, considering externships to benefit both the Court and contributing to the externs' success.<sup>214</sup> As the Justice phrased it, the externs get to see the “wizard behind the curtain”.<sup>215</sup>

The Justice draws applicants from different law schools, in and out of state.<sup>216</sup> Students having finished their second year get the most out of externing, as they are in a better position to understand evidence which the Justice finds helpful.<sup>217</sup> Those students perceived as hard workers are sought, rather than students with top grades, so the Justice considers the interview very important, as it allows the Justice to “size up” the applicants.<sup>218</sup>

Once selected, the externs are provided a confidentiality contract and trained on the judicial code of conduct, with reliability and appropriate dress also stressed.<sup>219</sup> As the Justice recognizes that appellate writing is difficult, the externs are provided resource materials to help them.<sup>220</sup> Law clerks work with the externs, being trained to supervise them, but the Justice also maintains an open-door policy for the externs.<sup>221</sup>

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<sup>214</sup> *Id.*

<sup>215</sup> *Id.*

<sup>216</sup> *Id.*

<sup>217</sup> *Id.*

<sup>218</sup> *Id.*

<sup>219</sup> *Id.*

<sup>220</sup> *Id.*

<sup>221</sup> *Id.*

The externs identify issues and review documents, and are offered other opportunities as well.<sup>222</sup> The Justice coordinates with other state court trial judges and federal court judges to “swap” externs, to provide them a broader extern experience.<sup>223</sup>

Though acknowledging that developing an extern program is a lot of work, the Justice finds that it is beneficial and rewarding to the externs.<sup>224</sup> The externs learn both good and bad lawyering and the Justice hopes that by offering this type of an extern program the externs realize long term benefits.<sup>225</sup>

Observation, research, writing and interaction with law clerks and Justices are central to the extern experience at the Appellate court level. How externs are recruited and the level in law school considered for placement varies. What is offered in addition to research, observation and writing varies from court to court with no apparent uniformity, though it is recognized that other activities may be offered as in practice in at least two Appellate Courts.

There appears to be a consensus among most of the Appellate Court Justices interviewed that law students benefit from participation in a judicial externship program. At the Appellate Court level, one Justice is confident of the benefit to both the extern and the Court, noting that it is nice to have a young person around and see them learn.<sup>226</sup> It is a way to give back.<sup>227</sup> The externs read briefs, pin point issues, look at case law and draft memos, in addition to observing

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<sup>222</sup> *Id.*

<sup>223</sup> *Id.*

<sup>224</sup> *Id.*

<sup>225</sup> *Id.*

<sup>226</sup> *Id.*

<sup>227</sup> *Id.*; Interview with a Justice of the Illinois Fourth District Appellate Court, *supra* note 174.

oral arguments and discussing them afterwards, and in doing so see all aspects of the law.<sup>228</sup> The student gets as much out of the experience as they put into it, so the benefit varies from individual to individual.<sup>229</sup>

### 3. Illinois Circuit Courts<sup>230</sup>

I interviewed at least one judge from twenty-three circuits plus Cook County, all located in Illinois, for a total of 34 judges interviewed about their experience with externs at the trial court level. As Cook County has many more judges than any other circuit, I intentionally interviewed more than one judge located in Cook County (with five in person interviews and the remainder phone interviews). However, in the remaining circuits, in some instances, I also interviewed several judges from the same circuit. Given the number of trial court judges interviewed and because in some instances several judges in the same circuit were interviewed, in this section I use the full citation for each footnote for ease of reference.

In Illinois, there are variations in judicial extern programs, with many though not all, circuits placing law students as externs at the trial court level. Staff makeup varies throughout the circuits and Cook County, with some trial courts having paid staff attorneys and or law clerks

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<sup>228</sup> *Id.*

<sup>229</sup> Interview with a Justice of the Illinois Third District Appellate Court, Interview with a Justice of the Illinois Fifth District Appellate Court, *supra* note 174.

<sup>230</sup> It is important to understand that I did not and could not interview all judges in any one circuit, but that when more than one judge was interviewed it became apparent that there were differences in viewpoints, so there very well may be other judges with different practices relating to law students as judicial externs even within the same jurisdiction. However, given the number of interviews, I am confident that there is sufficient data to support that there is no one standard procedure, program, or practice relative to placement of law students as judicial externs. I do not include my circuit in this number as I am familiar with the externship program, though I did interview another judge in my Circuit.

and others without the benefit of added staff.<sup>231</sup> This at times dictates whether judges place externs in the courthouse setting.

Despite being located in close proximity to law schools, some circuits have no externs. Those with externs vary on how they recruit applicants, some through random requests, some through personal contacts, some through law school postings, and some through outreach by the law schools, or a variation of these methods. Activities offered to judicial externs also vary, from basic observation and research to much more structured programs being offered.

Some judges have had externs in the past but not currently or in the last few years, and some not consistently. Their comments may be included in both sections.

#### **a. No Externs**

There is significant variation when it comes to placing externs or not. Several judges did not place externs.<sup>232</sup> Quite frankly, several judges commented that some judges simply do not

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<sup>231</sup> Calls to the court administrators disclosed that 14 had paid staff attorneys/law clerks to assist the court, with the remaining 10 having no such added staff.

<sup>232</sup> Interview with a judge from the Fifth Judicial Circuit (February 8, 2018); Interview with a judge from the Sixth Judicial Circuit (November 7, 2017); Interview with a judge from the Seventh Judicial Circuit (December 12, 2017); Interview with a judge from the Ninth Judicial Circuit (February 7, 2018); Interview with a judge from the Eleventh Judicial Circuit (November 9, 2017); Interview with a judge from the Fourth Judicial Circuit (November 6, 2017); Interview with a judge from the Thirteenth Judicial Circuit (November 9, 2017); Interview with a judge from the Thirteenth Judicial Circuit (November 13, 2017); Interview with a judge from the Fifteenth Judicial Circuit (November 7, 2017); Interview with a judge from the Sixteenth Judicial Circuit (November 7, 2017); Interview with a judge from the Eighteenth Judicial Circuit (November 7, 2017); Interview with a judge from the Twentieth Judicial Circuit (December 18, 2017); Interview with a judge from the Twenty-First Judicial Circuit (December 14, 2017).

want to bother with externs.<sup>233</sup> But there are other more concrete reasons that a judge may not place a law student as a judicial extern. A judge has to devote a lot of time to train a law student extern, and therefore must have the time to give.<sup>234</sup> Thus, not having enough time to spend with an extern is seen as a very real deterrent to having law student externs, a sentiment expressed by several judges.<sup>235</sup> Another judge commented that a roadblock to having externs is when a call is reassigned, there is a learning curve for the judge, so that particular judge who had externs in the past waited two years on the new call to get “bearings first” before placing externs.<sup>236</sup> Another factor in whether or not to place externs is the nature of the judge’s call, as workload varies depending on the call assignment.<sup>237</sup> Accordingly, to have or not to have an extern is in large part call dependent.<sup>238</sup>

It was noted that the worst thing is for the extern to have nothing to do.<sup>239</sup> For example, one judge assigned to the traffic call had no need for externs while on that call.<sup>240</sup> Another judge similarly indicated the opportunity to have an extern was available, but due to that judge’s high

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<sup>233</sup> Interview with a retired judge from the First Judicial Circuit Court (December 4, 2017); Interview with a judge from the First Judicial Circuit Court (December 8, 2017); Interview with a judge from the Second Judicial Circuit (November 3, 2017); Interview with a judge from the Twenty-Second Judicial Circuit (November 7, 2017).

<sup>234</sup> Interview with a judge from the Fourth Judicial Circuit (November 6, 2017).

<sup>235</sup> Interview with a judge from Cook County Circuit Court (November 7, 2017); Interview with a judge from Cook County (August 28, 2017); Interview with a judge from the First Judicial Circuit (December 8, 2017).

<sup>236</sup> Interview with a judge from Cook County Circuit Court (November 7, 2017).

<sup>237</sup> Interview with a judge from Cook County Circuit Court (August 28, 2017).

<sup>238</sup> *Id.*; Interview with a judge from the Eleventh Judicial Circuit Court (November 9, 2017).

<sup>239</sup> Interview with a retired judge from the First Judicial Circuit Court (December 4, 2017).

<sup>240</sup> Interview with a judge from the Sixth Judicial Circuit Court (November 7, 2017); Interview with a judge from the Eighth Judicial Circuit Court (November 7, 2017).

volume, low research call, the judge was super busy with no time to spend with an extern and no research to give the extern.<sup>241</sup>

A corollary to the nature of the call is whether the judge has added administrative duties that further draw on time which otherwise may be available to devote to an extern, as one judge notes.<sup>242</sup> A judge who has not had externs for years despite being located in close proximity to a law school indicates the paper work required by the law school was too time-consuming.<sup>243</sup> In addition, that judge explained that the circuit had paid law clerks who were 2L and 3L students to help judges with research and draft memos.<sup>244</sup> Other judges also mentioned that they had paid law clerks with no need for externs.<sup>245</sup>

Another judge indicated the circuit has not had externs for the past 4-5 years, and though not sure why, as it is up to the chief judge, surmises it was due to not having enough work to keep the extern busy as well as the distant location of the circuit in proximity to any law school.<sup>246</sup> A judge in one circuit has no externs, and did not know why, as it “never dawned on” the judge to place law students as judicial externs.<sup>247</sup> This sentiment was echoed by yet another

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<sup>241</sup> Interview with a judge from the Eleventh Judicial Circuit Court (November 9, 2017).

<sup>242</sup> Interview with a judge from Cook County Circuit Court (August 28, 2017).

<sup>243</sup> Interview with a judge from the First Judicial Circuit Court (December 8, 2017).

<sup>244</sup> *Id.*

<sup>245</sup> Interview with a judge from the Eighth Judicial Circuit Court (November 7, 2017); Interview with a judge from the Thirteenth Judicial Circuit Court (November 13, 2017); Interview with a judge from the Sixteenth Judicial Circuit Court (November 7, 2017).

<sup>246</sup> Interview with a judge from the Seventh Judicial Circuit Court (December 12, 2017).

<sup>247</sup> Interview with a judge from the Tenth Judicial Circuit Court (November 8, 2017).

judge who also never thought of having an extern, and did not know it was possible unless there were paid positions, for which their county did not budget.<sup>248</sup>

Another judge explained that they did not have close access to any law school, and did not need an extern as they budgeted for paid positions.<sup>249</sup> Another circuit, located 30 minutes from a law school, has no externs, with the judge explaining that judges did their own research so that their staff attorneys were not overworked and any law student inquiries for extern opportunities were referred to the local state's attorney and public defender offices.<sup>250</sup> One large circuit had no externs, with no applicants, despite having externs years ago through an ABA program.<sup>251</sup> Another judge candidly said they had no externs, maybe because they did not know what they would do with them.<sup>252</sup> No one approaches them to place law students, nor have they reached out to law schools, even though there are 2 law schools in close proximity, 30-45 minutes away.<sup>253</sup> The judge acknowledges that their space is limited, judges are used to doing their own research and the circuit has a typist available to help.<sup>254</sup> Similarly, yet another judge indicates they have no externs and no one ever approaches them for placement.<sup>255</sup> If approached, two judges indicated they would accept a judicial extern in their circuit.<sup>256</sup>

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<sup>248</sup> Interview with a judge from the Fifteenth Judicial Circuit Court (November 7, 2017).

<sup>249</sup> Interview with a judge from the Thirteenth Judicial Circuit Court (November 13, 2017).

<sup>250</sup> Interview with a judge from the Sixteenth Judicial Circuit Court (November 7, 2017).

<sup>251</sup> Interview with a judge from the Eighteenth Judicial Circuit Court (November 7, 2017).

<sup>252</sup> Interview with a judge from the Twentieth Judicial Circuit Court (December 18, 2017).

<sup>253</sup> *Id.*

<sup>254</sup> *Id.*

<sup>255</sup> Interview with a judge from the Twenty-First Judicial Circuit Court (December 14, 2017).

<sup>256</sup> Interview with a judge from the Twentieth Judicial Circuit Court (December 18, 2017);

Interview with a judge from the Twenty-First Judicial Circuit Court (December 14, 2017).

A judge who had no externs, possibly due to location and no public transportation available, also mentioned that years ago, when asked by a law school to post on the career board an opening for externs, did so and no one applied.<sup>257</sup> Similarly, in another circuit, they have openings for two externs but find it difficult to fill both spots.<sup>258</sup> Finally, a circuit located eight miles from a law school has externs only in spurts, as the law school does not reach out to them for placement.<sup>259</sup>

## **b. Externs**

Extern programs, like in the reviewing courts, have some similar practices when offered at the trial court level. However, there are also variations in many aspects of extern programs among the jurisdictions and the judges within those jurisdictions. I first set forth findings from both the criminal and civil courts in Cook County. I then address findings in collar and downstate counties.

### **i. Cook County<sup>260</sup>**

Cook County has over four hundred trial court judges<sup>261</sup>, with paid staff attorneys<sup>262</sup>. There are six districts in various areas, organized into three departments: County, Municipal and

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<sup>257</sup> Interview with a judge from the Thirteenth Judicial Circuit Court (November 9, 2017).

<sup>258</sup> Interview with a judge from the Fourteenth Judicial Circuit Court (November 9, 2017).

<sup>259</sup> Interview with a judge from the Twenty-Third Judicial Circuit Court (November 9, 2017).

<sup>260</sup> I treat Cook County separately as it is by far the largest court system in Illinois with multiple courthouses divided in part between civil and criminal courts.

<sup>261</sup> [www.cookcountycourt.org](http://www.cookcountycourt.org) (website last visited March 22, 2018).

<sup>262</sup> Interview with a judge from Cook County Circuit Court (November 30, 2017).

Juvenile Justice and Child Protection<sup>263</sup>, with six local law schools<sup>264</sup>. I have divided this section relative to the placement of judicial externs in the criminal and civil divisions as some courthouses are dedicated to each.

The objective of the extern experience in the Cook County criminal courthouse is to teach the externs to experience high volume courtrooms, learning how to observe and to look for details and to try and assess their needs with questions-why they want to work there and why they are interested in criminal law.<sup>265</sup> In a criminal court in Chicago where 40 judges preside,<sup>266</sup> the staff attorney oversees 6-12 externs each summer, usually 1L students from Chicago area law schools.<sup>267</sup> During the semester, they have 1 or 2 externs for 1 or 2 days per week, as school schedules allow.<sup>268</sup> Resumes are sent to them, which are reviewed and then the staff attorneys conduct phone interviews.<sup>269</sup> Usually the resumes come from the law schools but sometimes judges reach out to the law schools and also receive random resumes directly from law students.<sup>270</sup>

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<sup>263</sup> *Id.*

<sup>264</sup> *See supra* note 128.

<sup>265</sup> Interview with a lead staff attorney in the Cook County Criminal Circuit Court Criminal Division (November 30, 2017).

<sup>266</sup> Interview with a judge from Cook County Circuit Court (November 30, 2017).

<sup>267</sup> Interview with a lead staff attorney in the Cook County Criminal Circuit Court Criminal Division (November 30, 2017).

<sup>268</sup> *Id.*

<sup>269</sup> *Id.*

<sup>270</sup> *Id.*

The selected externs initially meet with the judge to discuss ethics,<sup>271</sup> and attend an initial orientation where they are shown the building, introduced to staff and their role as an extern is reviewed.<sup>272</sup> Externs also meet with the staff attorneys who monitor completion of goals and accomplishment sheets, so they know the externs' objectives.<sup>273</sup> This enables the coordinating staff attorneys to know what the externs need to produce and provide guidelines so the externs are not bored.<sup>274</sup>

After the first two weeks, the externs are taken to lunch to get answers to any questions they may have, and later, another meeting is scheduled to see how they are doing during their externship.<sup>275</sup> The externs research and observe court proceedings, which they discuss with the judge, and have at least one writing assignment, usually a post-conviction order.<sup>276</sup> If other interesting legal issues arise, the externs discuss the facts and issues with the judge and then conduct research and draft memos to further discuss with the judge, as well as observing the corresponding oral arguments.<sup>277</sup> One Justice, when previously assigned to the criminal division, concurs that the externs during the semester observe, to get an appreciation as to what goes on in the various courtrooms, and work on post-conviction petitions which they then discussed.<sup>278</sup>

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<sup>271</sup> Interview with a judge from Cook County Circuit Court (November 30, 2017).

<sup>272</sup> Interview with a lead staff attorney in the Cook County Criminal Circuit Court Criminal Division (November 30, 2017).

<sup>273</sup> *Id.*

<sup>274</sup> *Id.*

<sup>275</sup> *Id.*

<sup>276</sup> Interview with a judge from Cook County Circuit Court (November 30, 2017).

<sup>277</sup> *Id.*

<sup>278</sup> Interview with a Justice of the Fourth District Appellate Court (November 6, 2017).

One judge in the criminal division commented that if a placement for an extern is available, contacts with a local bar association and the judge's alma mater law school is initiated to find interested law students.<sup>279</sup> The judge also utilizes the staff attorneys to get help with research from the externs, and then has the extern observe, research and write.<sup>280</sup> The judge discusses the issues with the extern, finding benefits to both the court and the extern, and believes judicial externships, by exposing students to all areas of law, benefits their resumes and ultimately job placements.<sup>281</sup>

Practices in Cook County civil courts share similarities but also vary from those found in the criminal court. Judges in civil divisions place externs both in the summer and during the semesters, mainly from Chicago area law schools, with externs taking the placement either for credit or for experience.<sup>282</sup> Some judges are solicited by law schools, but may also ask for students.<sup>283</sup> Some law students randomly apply,<sup>284</sup> the ABA may provide a list of applicants,<sup>285</sup> and students are also referred by word of mouth, extern to prospective extern.<sup>286</sup> Grades tend not

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<sup>279</sup> Interview with a judge from Cook County Circuit Court (December 8, 2017).

<sup>280</sup> *Id.*

<sup>281</sup> *Id.*

<sup>282</sup> Interview with a judge from Cook County Circuit Court (August 8, 2017); Interview with a judge from Cook County Circuit Court (November 7, 2017).

<sup>283</sup> Interview with a judge from Cook County Circuit Court (August 8, 2017); Interview with a judge from Cook County Circuit Court (November 6, 2017); Interview with a judge from Cook County Circuit Court (November 7, 2017); Interview with a Justice of the Fourth District Appellate Court (November 6, 2017).

<sup>284</sup> Interview with a judge from Cook County Circuit Court (November 7, 2017).

<sup>285</sup> Interview with a judge from Cook County Circuit Court (August 8, 2017).

<sup>286</sup> Interview with a judge from Cook County Circuit Court (November 6, 2017)

to be the deciding factor of which student to place as an extern, and according to at least one judge, grades are not a qualification for placement.<sup>287</sup>

With rare exception, there seems to be no formal or uniform extern program in the civil division, according to the judges interviewed. However, there are similarities as the externs generally observe and research, draft memos and attend case management conferences, with the judge spending time teaching and going over issues to give the externs a better sense of understanding, according to several of the judges' comments.<sup>288</sup> Another judge notes that it is important to give the students the best possible experience, and the judge assumes the responsibility to work with and develop the student to give a true learning experience, which is an incredible experience for the law students and makes them better lawyers.<sup>289</sup> As yet another judge explains, the judge focuses on what can be done for the student, rather than what the student can do for the judge.<sup>290</sup> Some externs are given the opportunity to observe other courtrooms to appreciate that each judge is different, as one judge so aptly points out.<sup>291</sup>

Similar to the more structured program in the criminal court, one civil judge does offer externs a more multi-faceted judicial placement with components in addition to courtroom observation and research.<sup>292</sup> The judge places one or two law students as externs each semester,

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<sup>287</sup> *Id.*

<sup>288</sup> Interview with a judge from Cook County Circuit Court (August 8, 2017); Interview with a judge from Cook County Circuit Court (November 6, 2017); Interview with a judge from Cook County Circuit Court (November 7, 2017).

<sup>289</sup> Interview with a judge from Cook County Circuit Court (November 7, 2017).

<sup>290</sup> Interview with a judge from Cook County Circuit Court (November 6, 2017).

<sup>291</sup> *Id.*

<sup>292</sup> Interview with a judge from Cook County Circuit Court (February 7, 2018)

and as many as five during the summer.<sup>293</sup> The judge primarily places students through referrals with references made directly to the judge from the judge's alma mater law school, though on occasion the judge does get applicants from other law schools.<sup>294</sup> The judge meets with the applicants to discuss mutual expectations and schedules.<sup>295</sup> After an applicant is selected, a background check and drug test are conducted, and the applicants are advised they cannot work in a legal capacity while externing.<sup>296</sup> The externs attend an orientation given by a law clerk on staff.<sup>297</sup>

The externs observe the judge's courtroom proceedings and attend pre-trials.<sup>298</sup> The judge also arranges for externs to observe other courtrooms in various divisions, and in the Appellate Court, to meet with different judges and an Appellate Court Justice.<sup>299</sup> The judge assigns the externs research projects, on trial issues and educational issues that may arise.<sup>300</sup> Externs discuss with the judge the court proceedings and research.<sup>301</sup> In addition, the judge encourages professional and personal questions, sharing personal experiences so the externs get an appreciation of what life as an attorney and judge entails.<sup>302</sup>

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<sup>293</sup> *Id.*

<sup>294</sup> *Id.*

<sup>295</sup> *Id.*

<sup>296</sup> *Id.*

<sup>297</sup> *Id.*

<sup>298</sup> *Id.*

<sup>299</sup> *Id.*

<sup>300</sup> *Id.*

<sup>301</sup> *Id.*

<sup>302</sup> *Id.*

The externs engage in networking with the judge and attorneys, establishing positive relationships.<sup>303</sup> They learn good lawyering skills as well as how not to conduct themselves.<sup>304</sup> The externs assist self-represented litigants and at times work together when there is more than one extern at a time.<sup>305</sup>

The judge sees a benefit to both the extern and the court.<sup>306</sup> The externs get exposure to the real-life practice of law, which assists them with their career choices, and supplements their legal education by seeing first-hand application of the law.<sup>307</sup> The judge places the externs because someone took the time with the judge, to allow the judge to achieve success in the legal profession.<sup>308</sup> The judge acknowledged that having externs is a lot of work but rewarding when the externs complete school, become employed and appear in court, as a prepared, professional, and confident practicing attorney.<sup>309</sup> This program is done solely by one judge, and is not a uniform practice for any other judge.<sup>310</sup> The judge acknowledges that there is not a recognized practice in place with respect to judicial externships in the civil division.<sup>311</sup>

## ii. Collar County and Downstate Circuits

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<sup>303</sup> *Id.*

<sup>304</sup> *Id.*

<sup>305</sup> *Id.*

<sup>306</sup> *Id.*

<sup>307</sup> *Id.*

<sup>308</sup> *Id.*

<sup>309</sup> *Id.*

<sup>310</sup> *Id.*

<sup>311</sup> *Id.*

There are three additional law schools in Illinois, located outside of Cook County: one is in northern Illinois<sup>312</sup>, one mid-state<sup>313</sup> and one in southern Illinois<sup>314</sup>. There are also several law schools in surrounding states that could also attract Illinois law students, including Iowa<sup>315</sup>, Missouri<sup>316</sup>, Indiana<sup>317</sup>, and Wisconsin<sup>318</sup>, for example. Of the 23 circuits outside of Cook County, some though not all, have paid law clerks and/or staff attorneys to assist judges with research.<sup>319</sup>

Outside of Cook County, there is variation in when students extern and for how long a time period. Some judges place externs both during the semesters and in the summer<sup>320</sup>, while

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<sup>312</sup> See Northern Illinois University College of Law in DeKalb, *supra* note 80.

<sup>313</sup> See University of Illinois College of Law in Champaign-Urbana, *supra* note 80.

<sup>314</sup> See Southern Illinois University School of Law in Carbondale, *supra* note 80.

<sup>315</sup> Drake University Law School, University of Iowa College of Law at [www.hg.org/law-schools-iowa.asp](http://www.hg.org/law-schools-iowa.asp) (website last visited March 10, 2018).

<sup>316</sup> University of Missouri Columbia School of Law, University of Missouri-Kansas City School of Law, Saint Louis University School of Law, Washington University in St. Louis School of Law at [www.hg.org/law-schools-missouri.asp](http://www.hg.org/law-schools-missouri.asp) (website last visited March 10, 2018).

<sup>317</sup> Indiana University School of Law-Bloomington, Indiana University School of Law-Indianapolis, University of Notre Dame Law School, Valparaiso University School of Law at [www.hg.org/law-schools-indiana.asp](http://www.hg.org/law-schools-indiana.asp) (website last visited March 10, 2018).

<sup>318</sup> University of Wisconsin Law School, Marquette University Law School at [www.hg.org/law-schools-wisconsin.asp](http://www.hg.org/law-schools-wisconsin.asp) (website last visited March 10, 2018).

<sup>319</sup> See *supra* note 231.

<sup>320</sup> Interview with a retired judge from the First Judicial Circuit Court (December 4, 2017); Interview with a judge from the Second Judicial Circuit Court (November 13, 2017); Interview with a judge from the Twelfth Judicial Circuit Court (February 7, 2018); Interview with a judge from the Seventh Judicial Circuit Court (December 21, 2017); Interview with a judge from the Nineteenth Judicial Circuit Court (November 7, 2017); Interview with a judge from the Twenty-Third Judicial Circuit Court (November 9, 2017).

others place only summer externs.<sup>321</sup> One judge placed an extern for an entire year.<sup>322</sup> During semester placements, the schedules tend to be flexible with the student's individual class schedule, and are part time hours, as recognized by one judge.<sup>323</sup> Such placements are necessarily more difficult logistically, as class schedules take precedence over court and are considered not as successful as summer externships according to one judge who has experience with both semester and summer placements.<sup>324</sup> For example, one judge had an extern during the semester for two half days per week.<sup>325</sup> That schedule was also due in part to the judge serving in different counties within one circuit, so that the extern was present in only one county when the judge was scheduled to be there.<sup>326</sup> During summer placements, the time frame also varies, from part time to full time at 32 hours per week,<sup>327</sup> for varying number of weeks, from between 6<sup>328</sup> to 8<sup>329</sup> to 10 weeks<sup>330</sup>, with one judge placing an extern 2-3 days per week for a year<sup>331</sup>.

This is somewhat dependent on how many hours a student needs to earn law school credit for the

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<sup>321</sup> Interview with a judge from the Third Judicial Circuit Court (November 7, 2017); Interview with a judge from the Fourth Judicial Circuit Court (December 12, 2017); Interview with a judge from the Eighth Judicial Circuit Court (November 7, 2017); Interview with a judge from the Tenth Judicial Circuit Court (November 7, 2017); Interview with a judge from the Fourteenth Judicial Circuit Court (November 9, 2017).

<sup>322</sup> Interview with a judge from the Twenty-Second Judicial Circuit Court (November 7, 2017).

<sup>323</sup> Interview with a judge from the Second Judicial Circuit Court (November 13, 2017).

<sup>324</sup> Interview with a judge from the Third Judicial Circuit Court (November 9, 2017).

<sup>325</sup> Interview with a judge from the Second Judicial Circuit Court (November 13, 2017).

<sup>326</sup> Interview with a judge from the Second Judicial Circuit Court (November 13, 2017).

<sup>327</sup> Interview with a judge from the Twelfth Judicial Circuit Court (February 7, 2018).

<sup>328</sup> Interview with a judge from the Third Judicial Circuit Court (November 7, 2017); Interview with a judge from the Fourteenth Judicial Circuit Court (November 9, 2017).

<sup>329</sup> Interview with a judge from the Nineteenth Judicial Circuit Court (November 7, 2017).

<sup>330</sup> Interview with a judge from the Tenth Judicial Circuit Court (November 8, 2017); Interview with a judge from the Twelfth Judicial Circuit Court (February 7, 2018).

<sup>331</sup> Interview with a judge from the Twenty-Second Judicial Circuit Court (November 7, 2017).

externship.<sup>332</sup> One judge notes that if students decide to extern during a semester, it is typically after classes are selected which limits availability, so suggests that classes are selected around externship hours, rather than the other way around.<sup>333</sup> One creative circuit let externs “serve from afar” by arranging for telephonic communication when they could not be personally present in the courthouse setting.<sup>334</sup>

The process for finding applicants for placement as externs is uniform only so far as there are different ways applicants are sought, as not all jurisdictions use the same approaches. Some judges are asked to place externs directly through requests from law schools.<sup>335</sup> Some judges reach out to post openings at law schools through their career center or extern director.<sup>336</sup> Other judges have specific contacts at law schools, either as alumnae, adjunct professors or through colleagues.<sup>337</sup> Also, externs are sometimes placed through the ABA Judicial Intern Opportunity Program.<sup>338</sup> Interestingly, one judge who participates in a “day in the life” shadowing program

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<sup>332</sup> Interview with a judge from the Third Judicial Circuit Court (November 7, 2017); Interview with a judge from the Sixth Judicial Circuit Court (November 8, 2017).

<sup>333</sup> Interview with a judge from the Sixth Judicial Circuit Court (November 8, 2017).

<sup>334</sup> Interview with a judge from the Twenty-Second Judicial Circuit Court (November 7, 2017).

<sup>335</sup> Interview with a judge from the Second Judicial Circuit Court (November 13, 2017); Interview with a judge from the Twelfth Judicial Circuit Court (February 7, 2018).

<sup>336</sup> Interview with a judge from the Sixth Judicial Circuit Court (November 8, 2017); Interview with a judge from the Twelfth Judicial Circuit Court (February 7, 2018); Interview with a deputy trial court administrator from the Seventeenth Judicial Circuit Court (December 21, 2017); Interview with a judge from the Nineteenth Judicial Circuit Court (November 7, 2017).

<sup>337</sup> Interview with a retired judge from the First Judicial Circuit Court (December 4, 2017); Interview with a judge from the Second Judicial Circuit Court (December 14, 2017); Interview with a judge from the Seventh Judicial Circuit Court (December 12, 2017); Interview with a judge from the Twelfth Judicial Circuit Court (February 7, 2018).

<sup>338</sup> [www.americanbar.org/groups/litigation/committees/ijop/program/faq.html#application](http://www.americanbar.org/groups/litigation/committees/ijop/program/faq.html#application) (website last visited February 13, 2018); Interview with a judge from the Sixth Judicial Circuit Court (November 8, 2017); Interview

was so impressed with two of the shadows that the students were placed as externs at the judge's request.<sup>339</sup> At least one circuit actively recruits local students.<sup>340</sup> As noted here, some jurisdictions utilize multiple approaches to finding externs.

Criteria judges consider when selecting whether to place law students as externs varies. Some judges place rising 2L students<sup>341</sup>, but most judges are willing to place rising 1L and 2L students.<sup>342</sup> One judge wanted the “better students with character”, and puts much emphasis on the interview to make this determination for selection.<sup>343</sup> Grades are not typically a top criteria<sup>344</sup>, and many judges select local students first before others.<sup>345</sup> Externs are selected by at least one judge based on communication, writing and research skills, grades and if the student

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with a judge from the Tenth Judicial Circuit Court (November 7, 2017); Interview with a judge from the Fourteenth Judicial Circuit Court (November 9, 2017).

<sup>339</sup> Interview with a judge from the Sixth Judicial Circuit Court (November 8, 2017).

<sup>340</sup> Interview with a judge from the Twelfth Judicial Circuit Court (February 7, 2018).

<sup>341</sup> Interview with a retired judge from the First Judicial Circuit Court (December 4, 2017); Interview with a judge from the Second Judicial Circuit Court (December 14, 2017); Interview with a deputy trial court administrator from the Seventeenth Judicial Circuit Court (December 21, 2017).

<sup>342</sup> Interview with a judge from the Third Judicial Circuit Court (November 7, 2017); Interview with a judge from the Fourth Judicial Circuit Court (December 12, 2017); Interview with a judge from the Sixth Judicial Circuit Court (November 8, 2017); Interview with a judge from the Seventh Judicial Circuit Court (December 12, 2017); Interview with a judge from the Tenth Judicial Circuit Court (November 7, 2017); Interview with a judge from the Twelfth Judicial Circuit Court (February 7, 2018); Interview with a judge from the Nineteenth Judicial Circuit Court (November 7, 2017); Interview with a judge from the Twenty-Second Judicial Circuit Court (November 7, 2017); Interview with a judge from the Twenty-Third Judicial Circuit Court (November 9, 2017).

<sup>343</sup> Interview with a retired judge from the First Judicial Circuit Court (December 4, 2017).

<sup>344</sup> Interview with a judge from the Third Judicial Circuit Court (November 7, 2017); Interview with a judge from the Sixth Judicial Circuit Court (November 8, 2017); Interview with a judge from the Twelfth Judicial Circuit Court (February 7, 2018).

<sup>345</sup> Interview with a judge from the Third Judicial Circuit Court (November 7, 2017); Interview with a judge from the Fourth Judicial Circuit Court (December 12, 2017); Interview with a judge from the Twelfth Judicial Circuit Court (February 7, 2018).

was local, with an “in person” interview conducted by the judge.<sup>346</sup> Another judge also requires references, writing samples and transcripts.<sup>347</sup>

All the trial court judges involved in externships confirmed that their practices involve research assignments and courtroom observation.<sup>348</sup> If the externs receive law school credit, the law school requirements in some instances dictate the time spent in each activity and length of externship, depending on how many credit hours are being earned.<sup>349</sup> In addition, certain

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<sup>346</sup> Interview with a judge from the Seventh Judicial Circuit Court (December 12, 2017).

<sup>347</sup> Interview with a deputy trial court administrator from the Seventeenth Judicial Circuit Court (December 21, 2017).

<sup>348</sup> Interview with a retired judge from the First Judicial Circuit Court (December 4, 2017); Interview with a judge from the Second Judicial Circuit Court (December 14, 2017); Interview with a deputy trial court administrator from the Seventeenth Judicial Circuit Court (December 21, 2017); Interview with a retired judge from the First Judicial Circuit Court (December 4, 2017); Interview with a judge from the Second Judicial Circuit Court (December 14, 2017); Interview with a deputy trial court administrator from the Seventeenth Judicial Circuit Court (December 21, 2017); Interview with a judge from the Third Judicial Circuit Court (November 7, 2017); Interview with a judge from the Fourth Judicial Circuit Court (December 12, 2017); Interview with a judge from the Sixth Judicial Circuit Court (November 8, 2017); Interview with a judge from the Seventh Judicial Circuit Court (December 12, 2017); Interview with a judge from the Tenth Judicial Circuit Court (November 7, 2017); Interview with a judge from the Nineteenth Judicial Circuit Court (November 7, 2017); Interview with a judge from the Twenty-Second Judicial Circuit Court (November 7, 2017); Interview with a judge from the Twenty-Third Judicial Circuit Court (November 9, 2017).

<sup>349</sup> Interview with a judge from the Third Judicial Circuit Court (November 7, 2017); Interview with a judge from the Sixth Judicial Circuit Court (November 8, 2017); Interview with a judge from the Twelfth Judicial Circuit Court (February 7, 2018).

programs have observation and research guidelines.<sup>350</sup> Among the judges, one judge assigned at least one research assignment,<sup>351</sup> but others assign projects as issues arise.<sup>352</sup>

Some judges share externs<sup>353</sup>, to let the students appreciate the difference in individual judges on the same call or to make sure externs experience various calls with rotating schedules<sup>354</sup> or perhaps if another courtroom has an interesting case for externs to observe.<sup>355</sup> One judge has externs attend juror orientation<sup>356</sup>, some are given the opportunity to assist self-represented litigants in self-help centers<sup>357</sup>, and some externs attend various meetings, which may include bar associations, committees, or social events to understand there is more to the legal profession than work day demands.<sup>358</sup> All the judges interact with their externs, either

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<sup>350</sup> Interview with a retired judge from the First Judicial Circuit Court (December 4, 2017).

<sup>351</sup> Interview with a judge from the Second Judicial Circuit Court (December 14, 2017).

<sup>352</sup> Interview with a judge from the Sixth Judicial Circuit Court (November 8, 2017); Interview with a judge from the Ninth Judicial Circuit Court (November 7, 2017); Interview with a judge from the Twelfth Judicial Circuit Court (February 7, 2018).

<sup>353</sup> Interview with a retired judge from the First Judicial Circuit Court (December 4, 2017); Interview with a judge from the Fourth Judicial Circuit Court (December 12, 2017); Interview with a judge from the Seventh Judicial Circuit Court (December 12, 2017); Interview with a judge from the Fourteenth Judicial Circuit Court (November 9, 2017); Interview with a deputy trial court administrator from the Seventeenth Judicial Circuit Court (December 21, 2017).

<sup>354</sup> Interview with a judge from the Third Judicial Circuit Court (November 7, 2017); Interview with a judge from the Tenth Judicial Circuit Court (November 8, 2017); Interview with a judge from the Twelfth Judicial Circuit Court (February 7, 2018); Interview with a judge from the Nineteenth Judicial Circuit Court (November 7, 2017).

<sup>355</sup> Interview with a judge from the Tenth Judicial Circuit Court (November 8, 2017); Interview with a judge from the Twelfth Judicial Circuit Court (February 7, 2018).

<sup>356</sup> Interview with a judge from the Third Judicial Circuit Court (November 7, 2017).

<sup>357</sup> Interview with a judge from the Third Judicial Circuit Court (November 7, 2017); Interview with a judge from the Twelfth Judicial Circuit Court (February 7, 2018).

<sup>358</sup> Interview with a judge from the Third Judicial Circuit Court (November 7, 2017); Interview with a judge from the Tenth Judicial Circuit Court (November 8, 2017); Interview with a judge from the Twelfth Judicial Circuit Court (February 7, 2018).

formally and/or informally, and discuss issues, research and observations.<sup>359</sup> Some judges also assign special projects for the extern to work on.<sup>360</sup> For example, one judge assigned work on a *pro se* litigant packet for use in guardianships<sup>361</sup>, and another assigned some administrative issues for the extern to work on<sup>362</sup>.

Some circuits have additional activities for externs to participate in as part of their externship experience. One circuit offers externs the option of attending a human trafficking seminar and invites them to any other special event that may be going on during the externship.<sup>363</sup> Field trips are offered in a few circuits, which include visits to an Appellate

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<sup>359</sup> Interview with a retired judge from the First Judicial Circuit Court (December 4, 2017); Interview with a judge from the Second Judicial Circuit Court (December 14, 2017); Interview with a deputy trial court administrator from the Seventeenth Judicial Circuit Court (December 21, 2017); Interview with a retired judge from the First Judicial Circuit Court (December 4, 2017); Interview with a judge from the Second Judicial Circuit Court (December 14, 2017); Interview with a deputy trial court administrator from the Seventeenth Judicial Circuit Court (December 21, 2017); Interview with a judge from the Third Judicial Circuit Court (November 7, 2017); Interview with a judge from the Fourth Judicial Circuit Court (December 12, 2017); Interview with a judge from the Sixth Judicial Circuit Court (November 8, 2017); Interview with a judge from the Seventh Judicial Circuit Court (December 12, 2017); Interview with a judge from the Tenth Judicial Circuit Court (November 7, 2017); Interview with a judge from the Nineteenth Judicial Circuit Court (November 7, 2017); Interview with a judge from the Twenty-Second Judicial Circuit Court (November 7, 2017); Interview with a judge from the Twenty-Third Judicial Circuit Court (November 9, 2017).

<sup>360</sup> Interview with a retired judge from the First Judicial Circuit Court (December 4, 2017); Interview with a judge from the Seventh Judicial Circuit Court (December 12, 2017); Interview with a judge from the Twelfth Judicial Circuit Court (February 7, 2018).

<sup>361</sup> Interview with a judge from the Seventh Judicial Circuit Court (December 12, 2017).

<sup>362</sup> Interview with a judge from the Twenty-Second Judicial Circuit Court (November 7, 2017).

<sup>363</sup> Interview with a deputy trial court administrator from the Seventeenth Judicial Circuit Court (December 21, 2017).

Court<sup>364</sup>, specialty court<sup>365</sup>, coroner's office<sup>366</sup>, adult detention facility<sup>367</sup>, arbitration center<sup>368</sup>, criminal lab<sup>369</sup>, and the state's attorney's office<sup>370</sup>. Social events for externs include an ice cream social<sup>371</sup> and pizza parties<sup>372</sup> in addition to after hour events with local bar associations<sup>373</sup> and in one instance lunches with local law firms and other prospective employers are arranged<sup>374</sup>.

Although all judges informally meet with the externs, a minority of circuits also conduct one or more formal meetings, to discuss progress but also to address various topics, as an added learning experience.<sup>375</sup> Topics presented include initial orientations on confidentiality, court room decorum, tours of the particular courthouse and staff introductions.<sup>376</sup> One circuit court has

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<sup>364</sup> Interview with a judge from the Twelfth Judicial Circuit Court (February 7, 2018); Interview with a deputy trial court administrator from the Seventeenth Judicial Circuit Court (December 21, 2017).

<sup>365</sup> Interview with a judge from the Nineteenth Judicial Circuit Court (November 7, 2017).

<sup>366</sup> Interview with a judge from the Tenth Judicial Circuit Court (November 7, 2017); Interview with a judge from the Twelfth Judicial Circuit Court (February 7, 2018).

<sup>367</sup> Interview with a retired judge from the First Judicial Circuit Court (December 4, 2017); Interview with a judge from the Twelfth Judicial Circuit Court (February 7, 2018).

<sup>368</sup> Interview with a judge from the Twelfth Judicial Circuit Court (February 7, 2018); Interview with a judge from the Nineteenth Judicial Circuit Court (November 7, 2017).

<sup>369</sup> Interview with a judge from the Nineteenth Judicial Circuit Court (November 7, 2017).

<sup>370</sup> Interview with a retired judge from the First Judicial Circuit Court (December 4, 2017).

<sup>371</sup> Interview with a judge from the Nineteenth Judicial Circuit Court (November 7, 2017).

<sup>372</sup> Interview with a deputy trial court administrator from the Seventeenth Judicial Circuit Court (December 21, 2017); Interview with a judge from the Nineteenth Judicial Circuit Court (November 7, 2017).

<sup>373</sup> Interview with a judge from the Third Judicial Circuit Court (November 7, 2017); Interview with a judge from the Tenth Judicial Circuit Court (November 7, 2017); Interview with a judge from the Twelfth Judicial Circuit Court (February 7, 2018).

<sup>374</sup> Interview with a judge from the Tenth Judicial Circuit Court (November 7, 2017).

<sup>375</sup> Interview with a judge from the Twelfth Judicial Circuit Court (February 7, 2018); Interview with a deputy trial court administrator from the Seventeenth Judicial Circuit Court (December 21, 2017); Interview with a judge from the Twenty-Second Judicial Circuit Court (November 7, 2017).

<sup>376</sup> *Id.*

programs specifically presented to help with research skills, which include one presented by a West Law representative and one for law library training.<sup>377</sup>

In one circuit, a formal structured judicial extern program is in place, which the judge finds to be a successful practice.<sup>378</sup> A committee of judges, attorneys and staff plan and implement various components of the externship, which places twelve law students in a ten week judicial externship.<sup>379</sup> The externs are assigned a primary judge, spending time with the judge the first and last two weeks of the program.<sup>380</sup> During the middle six weeks the externs rotate among three divisions, spending two weeks at a time observing in civil, criminal and family courtrooms.<sup>381</sup> During the externship the externs also are assigned time to observe specialty courts, assist self-represented litigants with legal information and have the option of attending any interesting proceedings that may be scheduled.<sup>382</sup>

The externs attend weekly meetings, with presentations on various topics by different presenters.<sup>383</sup> They receive educational training in mediation and access to justice policies, to help guide them when spending time assisting self-represented litigants.<sup>384</sup> An initial orientation, farewell luncheon, and mid-summer meeting are informational social events the

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<sup>377</sup> Interview with a deputy trial court administrator from the Seventeenth Judicial Circuit Court (December 21, 2017).

<sup>378</sup> Judge Chrystel Gavlin, *Establishing Judicial Extern Programs, Section on Committee and Components*, Illinois Judicial Conference 2018 (November 7, 2018); Interview with a Judge from the Twelfth Judicial Circuit Court (February 7, 2018).

<sup>379</sup> *Id.*

<sup>380</sup> *Id.*

<sup>381</sup> *Id.*

<sup>382</sup> *Id.*

<sup>383</sup> *Id.*

<sup>384</sup> *Id.*

externs also attend.<sup>385</sup> Each extern is provided two opportunities to shadow an attorney for a day to experience a day in the life of an attorney.<sup>386</sup> The externs go on field trips to the county jail, clerk's office and Appellate Court as added informational activities.<sup>387</sup> A manual in a three ring binder is provided with the extern's personal calendar and other helpful information about the program, courthouse and community.<sup>388</sup> So that the externs can communicate with each other about any interesting trials or proceedings that may be of interest to their fellow externs, and so that any changes in schedules can be easily communicated, the committee sets up a FaceBook account for communication.<sup>389</sup>

Externs that plan on practicing in the circuit are given priority placement.<sup>390</sup> The judge explained that they benefit the most as they return already knowing the judges, staff, some of the local bar, courtroom procedures and are familiar with court orders and how to prepare them.<sup>391</sup>

Most trial court judges consider placement of judicial externs as a learning experience for the extern<sup>392</sup>, with only one judge who openly admits looking for the benefit of the judge, not so much for the benefit of the student<sup>393</sup>. Most judges do see a mutual benefit to the court as

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<sup>385</sup> *Id.*

<sup>386</sup> *Id.*

<sup>387</sup> *Id.*

<sup>388</sup> *Id.*

<sup>389</sup> *Id.*

<sup>390</sup> *Id.*

<sup>391</sup> *Id.*

<sup>392</sup> Interview with a retired judge from the First Judicial Circuit Court (December 4, 2017); Interview with a judge from the Second Judicial Circuit Court (December 14, 2017); Interview with a judge from the Third Judicial Circuit Court (November 7, 2017); Interview with a judge from the Sixth Judicial Circuit Court (November 8, 2017); Interview with a judge from the Twelfth Judicial Circuit Court (February 7, 2018); Interview with a deputy trial court administrator from the Seventeenth Judicial Circuit Court (December 21, 2017).

<sup>393</sup> Interview with a judge from the Twenty-Third Judicial Circuit Court (November 9, 2017).

well.<sup>394</sup> One judge describes it as a “win-win” situation for both the extern and court<sup>395</sup> while another judge sees having externs as a mutual admiration society.<sup>396</sup>

Judges generally agree that the law students benefit from the experience as a judicial extern, regardless of variations in program practices. Understandably, this is also somewhat dependent on what the student puts into the experience. Generally, the externs are helpful with research, which benefits the court.

Externs observe proceedings, and in doing so learn to observe and look for details. They also learn what not to do in court.<sup>397</sup> Discussing the research and the externs’ observations is also seen as a mutual benefit.<sup>398</sup> The externs get to see what a judge is thinking, viewed as an invaluable experience according to one judge, in essence to understand a judge’s thought process.<sup>399</sup> They get to see how the court system works, to better enable them to know how to approach judges when practicing law.<sup>400</sup> One judge commented that participation in an extern program makes judges more tolerant of dealing with young lawyers by being more conscious of their learning process.<sup>401</sup> Externships expose law students to real life problems addressed in

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<sup>394</sup> Interview with a judge from the Second Judicial Circuit Court (December 14, 2017); Interview with a judge from the Sixth Judicial Circuit Court (November 8, 2017); Interview with a judge from the Twelfth Judicial Circuit Court (February 7, 2018); Interview with a deputy trial court administrator from the Seventeenth Judicial Circuit Court (December 21, 2017).

<sup>395</sup> Interview with a judge from the Fourteenth Judicial Circuit Court (November 9, 2017).

<sup>396</sup> Interview with a judge from the Twenty-Second Judicial Circuit Court (November 7, 2017).

<sup>397</sup> Interview with a judge from the Second Judicial Circuit Court (December 14, 2017); Interview with a judge from the Twelfth Judicial Circuit Court (February 7, 2018).

<sup>398</sup> *Id.*

<sup>399</sup> Interview with a judge from the Third Judicial Circuit Court (November 7, 2017).

<sup>400</sup> Interview with a judge from the Third Judicial Circuit Court (November 7, 2017); Interview with a judge from the Twelfth Judicial Circuit Court (February 7, 2018).

<sup>401</sup> Interview with a judge from the Third Judicial Circuit Court (November 7, 2017).

court, thus deriving benefit from seeing first hand application of what they learn in school.<sup>402</sup> They learn more about litigation techniques.<sup>403</sup> One judge enjoyed having the students around<sup>404</sup> and a staff attorney observed that lots of judges enjoy mentoring<sup>405</sup>, while another judge interestingly felt it lets judges relive law school days.<sup>406</sup>

However, judges differ on whether and to what extent the court benefits from the law student's participation in an extern program. According to one judge, it takes too much time to devote to the externs, with teaching them, reviewing their drafts, and discussing issues with them to help them better understand, time a judge does not have to spare.<sup>407</sup> At times the paperwork associated with the externs is too time-consuming.<sup>408</sup> One judge describes having externs as “babysitting”, a lot of work.<sup>409</sup> Another volunteered the comment that it takes a lot of time to organize and over-see externs.<sup>410</sup> Several judges see no benefit when on a high volume call

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<sup>402</sup> Interview with a judge from the Sixth Judicial Circuit Court (November 8, 2017); Interview with a judge from the Seventh Judicial Circuit Court (December 12, 2017).

<sup>403</sup> Interview with a judge from the Tenth Judicial Circuit Court (November 7, 2017).

<sup>404</sup> Interview with a judge from the Tenth Judicial Circuit Court (November 7, 2017).

<sup>405</sup> Interview with a deputy trial court administrator from the Seventeenth Judicial Circuit Court (December 21, 2017).

<sup>406</sup> Interview with a judge from the Nineteenth Judicial Circuit Court (November 7, 2017).

<sup>407</sup> Interview with a judge from the Eleventh Judicial Circuit Court (November 9, 2017). This thought was seconded in an interview with an Appellate Court Justice from the Fourth District Appellate Court commenting on time spent as a trial court judge (November 6, 2017).

<sup>408</sup> Interview with a judge from the First Judicial Circuit Court (December 8, 2017).

<sup>409</sup> *Id.*

<sup>410</sup> Interview with a judge from the Third Judicial Circuit Court (November 7, 2017).

where no research is needed.<sup>411</sup> Other judges see no need for externs as they do their own research and have staff attorneys and typists available to assist them.<sup>412</sup>

As set forth above, most judges agree that placing law students as externs is a benefit for the student. Most also agree that the court realizes benefits, though the primary goal is a learning experience for the extern. A minority of judges sees no benefit, but that is based on either a belief that an extern is not needed due to the nature of a judge's call or that too much time is needed to invest in externs with no reciprocal benefit. This viewpoint seems inherently based on the assumption that the court, rather than the extern, should derive primary benefit.

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So, based on my interviews with judges throughout the state, in Illinois there are similarities in judicial externships statewide. All externs are offered the opportunity to observe court proceedings and complete research assignments. Externs spend time with their respective judges. Some externs are provided additional benefits, such as orientation meetings, field trips and networking through social events.

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<sup>411</sup> Interview with a judge from the Sixth Judicial Circuit Court (November 8, 2017); Interview with a judge from the Eighth Judicial Circuit Court (November 7, 2017); Interview with a judge from the Eleventh Judicial Circuit Court (November 9, 2017).

<sup>412</sup> Interview with a judge from the First Judicial Circuit Court (December 8, 2017); Interview with a judge from the Eighth Judicial Circuit Court (November 7, 2017); Interview with a judge from the Sixteenth Judicial Circuit Court (November 7, 2017); Interview with a judge from the Twentieth Judicial Circuit Court (December 18, 2017).

However, there is also a lot of variation in judicial externships. There is no uniform practice that judges follow when it comes to providing judicial externships for law students. I have discovered no “blueprint” or even sharing of ideas that have consolidated into one cohesive program all the components used throughout the courthouses in Illinois, or even among judges in the same jurisdiction.

Some courts consistently place externs, while others periodically place externs while yet other courts have no externs. How externs are recruited greatly varies, from solicitation of law students to consideration of placement limited to random student inquiries, with variations in between this spectrum. Criteria for selection also vary, from grades to location to skill to level in law school. There is a lack of uniformity in how judicial externships are structured, from research and observation as the only activities to much more structured activities and offerings and variations in between. My research disclosed that some judges offer the judicial extern experiential education beyond chambers, the courtroom and the courthouse. Various programs have incorporated multiple practices into their externships. As part of the externship experience, judicial externs in some instances rotate during their time at the courthouse among multiple courtrooms with several judges, attend educational meetings presented by guest speakers, take field trips, engage in networking opportunities, shadow attorneys and assist self-represented litigants with legal information.

Given the widespread variation in judicial externships at all levels, there seems to be room for reform of judicial extern programs. Perhaps judges could try sharing practices and offer a uniform judicial externship, by combining practices already in place into one structured format for judges to practice when placing law students as judicial externs.

### III. Prescriptive Measures for Reform of Judicial Externships

One scholar opined that the value of an externship to legal education is that it can “provide a crucial practice-oriented opportunity to learn about the legal profession”.<sup>413</sup> Recognizing that there are many and varied practices in place, perhaps a sharing of practices could benefit everyone involved in judicial extern programs. The practices utilized by individual judges in numerous courts could be combined into a uniform judicial extern program to provide a practice-oriented opportunity for law students to learn about the legal profession.

Combining practices into a judicial extern program could potentially produce optimal results. My research supports that all externship programs offer courtroom observation, research assignments and discussion with the judge. Some courts also offer externships that include enhanced courtroom observation in various areas of law and at different levels of court, orientation, training, meetings, field trips, social events, communication through social media, networking opportunities, attorney shadowing, and special research assignments, and in one instance distribution of a manual containing pertinent information about the program offered.

According to the Greater Los Angeles Consortium for Externships, “the best externship experience offers a variety of assignments, in addition to the traditional tasks of legal research and drafting legal memoranda.”<sup>414</sup> I suggest that consideration could be given to the idea of incorporating these various practices into one uniform program. Depending on the level and size of court, the suggested practices could be adapted to fit individual needs based on resources available. Based on my research, I found that different practices are already used in courts of

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<sup>413</sup> See Stuckey, *supra* note 3 at 198 footnote 620.

<sup>414</sup> See Backman, *supra* note 8 at 635.

various sizes and locations, and at different levels, and those courts could experiment with expanding their extern programs to include practices in place by other courts. Perhaps sharing of ideas could benefit all involved.

I advance the following prescriptive measures gleaned from various practices in place throughout Illinois, based on my findings as set forth in Section II, as well as my own experience with externs. The measures address both components of judicial extern programs and committee structure based on practices used in various Illinois courts. I suggest that judges (and I include Justices when I refer to judges in this section) could try including some, if not all, of these practices into their extern programs.

## **A. Components**

### **1. Observation**

All externships include a component of courtroom observation, according to judges interviewed. Unless in a reviewing court or in a jurisdiction where one judge handles a diverse call, some jurisdictions schedule times for the extern to observe various court proceedings. As some judges do, it would be helpful if trial judges were to uniformly assign time for observation in the criminal, civil and family divisions, so the extern can experience different areas of law. As judges have recognized, oftentimes externs have not yet decided on an area of practice, so providing multiple opportunities for observation has been found helpful for the extern to focus on career choices, by either ruling in or ruling out areas of practice. Judges could, as some judges already do, assign externs to different judges handling the same types of cases, if that is an option in the jurisdiction, to let externs appreciate that each judge handles their call in an individual manner. Providing externs a chance to observe specialty courts, if available, as well

as an arbitration hearing, which has been offered in various jurisdictions, would be another expanded opportunity for variety that judges could provide externs. Judges could consider a reciprocal arrangement for externs to observe at both the trial court and reviewing court level, as some courts have already done. Courts could provide externs as many diverse observation opportunities as practical, so they understand good and not so good lawyering skills. Judges should continue to let externs observe motions, hearings, trials, oral arguments and attend pre-trials, all aspects of court proceedings and as most judges and Justices do, set aside time for the externs to ask questions.

## **2. Research**

Judges agree that research is a mandatory component to a judicial externship. Judges should make sure their extern programs incorporate methods to provide externs with research opportunities. Prior to the start of the program, some suggest that fellow judges be notified that externs will be available for research projects, with reminders to those judges not directly involved that research assignments can be given. It may be worthwhile, and has been found helpful, for judges to appoint one judge as a contact between judges needing research and distribution of assignments among the externs. If judges put research assignments in memo format, and the requesting judge meets with the extern to explain what is needed, answer any questions, provide deadlines, and be readily available if other questions arise and to discuss the project when completed, this could also prove helpful. If possible, judges could arrange for the extern to observe the proceedings being researched, including when the judge's decision is rendered.

Judges could assign special research projects, which some judges have done. For example, if a judge is presenting on an educational topic, the extern could help with the issues being addressed. As in one instance, judges could assign externs the task of compiling self-help information for self-represented litigants. It may be helpful for externs to outline changes in the law. Judges surveyed have been and should continue to be creative in this area.

### **3. Calendar**

At least one court finds it helpful for judges and externs to have a calendar of events. Their calendar addresses the program from beginning to end. Using a calendar could be of value to the judge and extern.

Judges could consider including in the calendar times when the extern is to be in which courtroom with which judge. They could include special assignments, such as when and where to observe specialty court proceedings, assist with self-represented litigants, and the date, time and place of meetings, field trips and social events, as well as trips to reciprocal courts.

The participating judges would benefit from calendars, as it would prove helpful to know which extern is assigned to their courtroom and when. If a judge is off for any reason, the judge would know that other arrangements were needed for the extern. The judge would also know who is assigned where in the event research needs to be done. As judges are invited to social events, a calendar of events could assist judges with planning their schedules.

Having support staff help create the calendar with input from the judge would be helpful to judges. If the calendar sets forth the rotation schedule, assigning each extern to a primary judge as well as assignments to other divisions on a rotating schedule to ensure exposure to all areas of law, divided between civil, criminal and family courtrooms, as well as different courts, it

is a time-consuming undertaking for a single judge. However, once the format is done, judges could instruct staff to use the same format each year with updated information, as is done by one court.

#### **4. Meetings**

Several courts have found orientation meetings helpful. An initial orientation meeting can serve several purposes. The judges and externs can meet face to face, usually for the first time, and learn in detail what to expect from the program. Information about each component can be addressed. Written information can be distributed to both the externs and participating judges. Staff can be introduced and can handle arrangements for externs to obtain necessary credentials, such as identification badges and parking passes, if required. A tour of the courthouse could be arranged. This would be helpful for judges and externs, as courts that have orientation meetings acknowledge.

In addition to the initial orientation, judges may want to consider as at least one court does, holding mandatory weekly meetings, with a judge or staff member present. In addition to someone being available to answer questions and assess how the externs are doing, a weekly meeting can provide the opportunity to provide externs additional learning experiences. If space is limited, judges could consider holding the meeting in a local attorney's conference room, asking a local practitioner for use of the space on a weekly basis. Judges could consider noon meetings, as one court found to work well for schedules, though certainly nothing prevents judges from setting morning meetings or meetings at any other time that fits most schedules.

Some programs arrange for speakers on various topics. Judges have asked attorneys to present on anatomy of a criminal, divorce or small claims case, for example. Judges could ask

probate and real estate attorneys to provide insights into those areas of practice. Professionals could be invited to present on a myriad of topics, such as a certified public accountant on budgeting, or a personal trainer on wellness. In one instance, a recent law school graduate (and prior extern) has presented on what to expect when studying and taking the bar exam. Other topics for judges to consider for meetings could include a human resource professional to talk about resumes and interview techniques, or perhaps a police chief to discuss how attorneys interact with law enforcement. One jurisdiction that holds mandatory meetings found these topics and speakers well received. Topics are endless and limited only by a judge's creativity. Judges should set dates well in advance, confirm as the date approaches and follow up with a thank you, which may be helpful in getting repeat guest speakers.

Judges could use meetings to offer additional educational opportunities for their externs. As most externs tend to have completed only one year of law school and have not yet taken an evidence class, one court invites a law school professor to teach a mini-seminar on evidence. This was considered important as so much of the externs' time is spent observing court proceedings, with no understanding of the rules of evidence. Courts with access to justice programs have provided training relative to access to justice issues, so the externs fully appreciate the difference between providing legal information and legal advice. Another court arranged for a presentation on legal research and e-filing which was helpful. Some courts recruit local attorneys to instruct the externs on mediation techniques, which they can use when assisting self-represented litigants. Judges could consider incorporating into an externship access to justice activities.

In addition to meetings, some courts offer field trips. A tour of the local adult detention facility and court clerk's office are easy to arrange and helpful for young lawyers, who may be

sent to interview a client in jail or be sent to the clerk's office. Judges have arranged visits to the state's attorney and public defender's office, the probation department, the coroner's office, and a criminal lab. A trip to another court, either state or federal, trial or reviewing, depending on the placement, to observe proceedings and a discussion with the judges has been successfully orchestrated by several judges. If the extern is placed in the trial court, for example, a trip to observe oral arguments in an Appellate Court with a discussion afterwards with a Justice was found to be good option, as has a reciprocal trip to the trial court for a law student placed in an Appellate Court externship. One court arranged a ride with the sheriff or other law enforcement officer, which can be done if that is an option in the jurisdiction. Judges have invited externs to specialty court graduations. Judges could use their contacts and imagination to set up field trips.

Additional meetings can be combined with social events, such as an ice cream social or lunch with a local law firm, as some judges do. Midway through the program, judges may want to consider setting up a meeting to assess how the externs are doing, combining it with an after-hours get together with judges and attorneys. This has shown to be a great opportunity for all involved in one program to get to know the externs in a more informal, comfortable setting. At the end of the program, judges should consider hosting a final farewell meeting. One court hosts a pizza lunch in the court house and invites all participants, awarding certificates of completion to the externs and certificates of appreciation to the participating judges and attorneys.

## **5. Manual**

To assist externs, judges could provide externs a manual with important information. A three-ring binder with a table of contents for ease of reference has worked well in one

jurisdiction. Additional information can easily be added to the binder as warranted. Judges may find it helpful for staff to compile the manual, which once created can readily be updated.

Judges should put in the manual whatever information is deemed helpful. Judges may want to include in the binder courthouse information, such as contacts for judges and externs, assignment orders, evacuation and other emergency instructions. It can be helpful to include community information, such as local restaurants, applications and contacts for local bar associations, and train schedules. Law can be included, relating to orders of protection, specialty courts, and access to justice policies, in addition to sample court orders and an evidence objection chart for easy reference. The confidentiality agreement and an extern program evaluation form could be included in the manual. Consider including the extern resumes so the externs can get to know each other. If judges provide information in a manual format, it could prove useful for not only the externs but the judges as well.

## **6. Attorney Shadowing**

Judges should consider contacting their local bar to set up job shadowing opportunities. Job shadowing has been a successful component to the externship experience in one jurisdiction. As a goal of experiential education is to better prepare law students for the practice of law, shadowing an attorney was found to be a wonderful way for them to better know what to expect. When offered, in some instances it was also shown to be a good networking opportunity, which led to employment opportunities. Judges can consider offering this option in their extern program.

If a shadowing activity is offered, as one jurisdiction has found, judges may find it helpful to ascertain in advance the externs' top three areas of interest. Judges could then try to recruit attorneys in those various practice areas who are willing to allow an extern to shadow them for a

day. Depending on circumstances, if possible, judges could consider allowing for two shadowing days per extern, with different attorneys, to provide a broader understanding about differences in practice, whether it be with a private attorney or one engaged in government work.

It may be beneficial for judges to encourage the attorney to choose a day when time is spent outside of court, as the externs already spend much time observing courtroom proceedings. One jurisdiction with a shadowing component makes the pairings, advises the extern and attorney, and gives them contact information for each other, with instructions to the attorney and extern to work out the details, such as what day works and where to meet. Setting dates between which the shadowing should be completed is recommended by that court so judges can make sure all externs experience the shadowing opportunity.

## **7. Access to Justice**

Judges should provide as part of an extern's experience the opportunity for them to assist self-represented litigants with legal information, as several courts have done. This serves to not only benefit the self-represented litigants, but in addition exposes the externs to real life client problems practicing attorneys encounter, and demonstrates to them how important people skills are to the practice of law. The experience of helping a self-represented litigant navigate a courthouse can also provide the extern the same level of understanding. Judges can utilize this practice, but do need to train the externs, as mentioned in the meeting section.

Judges can arrange for the extern to assist the self-represented litigant in several ways as part of an extern program. At the trial court level, on some calls, such as divorce, paternity or small claims, there are typically many self-represented litigants, providing opportunities for the externs to assist with legal information. In courts with a dedicated day or courtroom for self-

represented litigants, judges can use this as another venue for the externs to interact with self-represented litigants. Some jurisdictions have access to justice programs, and judges can assign their externs to assist with these programs as part of their externship. They can be assigned to self-help desks, to direct litigants to areas within the courthouse, and otherwise assist self-represented litigants with legal information, consistent with their training. An extern in a reviewing court could be loaned to a local trial court to participate while perhaps the extern in the trial court could be shared with the reviewing court during that time period.

## **8. Networking**

Judges may want to consider other practices of externship programs that address networking, in addition to attorney shadowing and various meetings referenced above. Most bar associations offer law students free membership and judges can provide such information to the externs. Judges can arrange for externs to be invited to attend bar association events, and seminars, if available, and contact the young lawyers committee of the local bar associations and ask if they have or will host an event the law students can attend. Judges could attend these functions, if possible, to introduce the externs. Lunch with law firms has been coordinated in one jurisdiction, as another option that judges could arrange.

As at least one judge observed, attorneys notice externs in the courtroom. Judges can make it a point to introduce them, though oftentimes attorneys will approach the externs, introduce themselves and show an interest in the student. Attorneys realize quickly who has externs and start to inquire about prospects for new hires, when the need arises, and judges should be responsive to these inquiries.

## **9. Communication**

As found during an interview, one judge noted that having a means of communication between the court and externs themselves was helpful in exchanging information about courthouse proceedings and changes in schedules. As recognized, the worst case is for an extern to have nothing to do, so providing a means of sharing information has helped address that concern in one court.

Judges can help facilitate communication with group emails to disseminate information. Judges could consider a FaceBook page for externs, or other communication options such as Group Me, Instagram and Whats App. Judges may find it helpful to have an attorney who is tech savvy to oversee this component of the program, as has been done in one court.

### **B. Participants**

Incorporating various practices into a judicial extern program may seem overwhelming for any one judge. And it may be a daunting task to “go it alone”. As my research disclosed, most judges are on their own when placing law students as judicial externs in their respective courtrooms. Judges recognize that placing externs is very-time consuming. Admittedly, some judges have law clerks or staff attorneys who help coordinate the placement of judicial externs, but other judges do not have that luxury. Even in those instances where staff is available to assist, those judges act alone with final responsibility for overseeing their externs. Perhaps judges should consider the practice of pooling resources, in the form of a committee to develop, plan and oversee the judicial extern program, as done in one jurisdiction.

## **1. Committee**

It may be helpful for judges offering judicial externships that incorporate some, if not all, of the above practice suggestions to form a committee, by reaching out to local attorneys. One jurisdiction put in place a formal committee to oversee their extern program. Judges could consider this format.

Judges can work together with attorneys and available staff as a committee to offer judicial externships that more efficiently prepare law students for the practice of law. A committee could be formed, with the number of members varying, depending on the size of the jurisdiction and components offered in the program. The committee could plan, implement and oversee the extern program from start to finish. Each member of the committee would be responsible for a different task, coordinating efforts to benefit both the externs and the judges participating in the program. All committee members can serve as resources for the students throughout their externship. Each committee member could take a turn attending any meetings to introduce the speaker and answer any questions and address any concerns the externs may have, and to generally make sure all is going well.

The committee can meet to discuss criteria for acceptance and later to approve selection of applicants, plan the calendar, and select meeting topics and speakers. They may discuss what field trips to offer and other options for experiential learning. The committee can divide responsibilities between the members, assigning each member a component of the program to oversee.

### **a. Judges**

In all instances in which judges have placed externs, the judge is instrumental in the ultimate supervision of the extern. In the committee structure, the judge could chair the committee, with a fellow judge as co-chair. Depending on the size of the court, they could consider additional judges as added committee members. The judge, as chair of the committee, can prepare the meeting agendas and oversee the meetings. The judge would be responsible for setting dates and times for meetings, agenda preparation and making sure committee members are notified. The judge chair and judge co-chair should share responsibility for conducting interviews, to provide consistency in the information provided to applicants. They can then propose recommendations to the full committee, and notify those students selected.

Judges on the committee could serve in various capacities. In addition to serving as chair and co-chair, judges can serve to reach out to other judges to recruit them to participate. They can aid in selecting which externs to pair with participating judges. Research assignments can be coordinated and distributed by judges. Judges could both coordinate and participate in training with other attorney committee members. They may host social events and promote networking opportunities. Judges can arrange field trips and serve as a resource for directing externs to interesting proceedings within the courthouse. They can work with staff on the calendars.

### **b. Attorneys**

Some jurisdictions reached out to attorneys to participate in various ways. Attorneys have helped with local bar association social events, networking luncheons, and as presenters at

meetings and training sessions. Judges can consider, as one jurisdiction has done, adding attorneys to the committee as members, to oversee some of the components of the externship.

Judges could select attorneys based on their enthusiasm to be involved as well as their skills. The number of attorney members can vary, depending on need and those willing to serve. Attorney members can assist with training, such as medication techniques, access to justice policies, and court room decorum. They could arrange for and oversee attorney shadowing, recruiting volunteers and pairing externs with those volunteer attorneys. The attorneys can facilitate means of communication between the externs. The attorneys can serve as presenters at meetings and or contact other presenters on various topics. Judges could ask the attorneys for assistance with planning social events and promoting networking with colleagues and the externs. Certificates of completion can be handled by an attorney member, for distribution to externs and participating judges at the farewell luncheon. If other components are incorporated into the program, judges can depend on the attorneys as a wonderful source of assistance.

### **c. Staff**

Judges rely on courthouse staff, so staff is needed on the committee for administrative duties that arise and to provide organizational support. Those courts with staff attorneys and law clerks can utilize them to oversee externs, providing training and guidance, as is done in some jurisdictions. In the committee structure, they can serve as the liaison between the committee and externs. Judges can rely on staff to initially contact law schools to arrange for postings of the extern positions, accept applications, and provide the information to the committee members. Once the applicants are accepted, the staff can arrange the logistics of the orientation, and meet with the applicants to go over procedural matters such as parking arrangements and distribution

of identification badges. Staff can arrange for areas for the externs to headquarter, provision of supplies, possibly a refrigerator and microwave and lockers, if available, and for wifi access for legal research, as directed by the committee. Staff could be responsible for compiling the extern manual, and keeping it updated as necessary. This includes creating calendars for both judges and externs, which is perhaps the most difficult but important function in their realm of responsibilities. The farewell luncheon could be handled by staff, who could arrange for the location and order the refreshments, after determining how many will be in attendance, under the judge's direction.

According to the judge who utilized the committee approach, this practice has worked successfully. Responsibilities were divided, which allowed for a much broader offering to externs than one judge acting alone could offer. No one individual judge was overwhelmed. Implementation of various components allowed expansion of the externs' activities, otherwise typically limited to observation and research. I suggest that the committee structure may be a prototype that could be practiced by judges offering extern programs.

## **2. Externs**

As my findings show, how externs are recruited and selected varies. Judges may want to consider a uniform way to select externs, addressing 1) how to notify prospective law students of their program, 2) the application and selection process, 3) selection criteria, 4) applicable dates, and 5) who is responsible for overseeing the procedure. Judges may find it helpful to incorporate some or all of the following practices utilized by various courts.

Judges have utilized various ways to encourage applications, by getting the word out, contacting alma maters and other law schools, putting a notice in the local paper, bar newsletter

or posting a notice in the courthouse about the program. Some judges talk to local attorneys who may know local students planning on being home for the summer and interested in externing by using word of mouth to potentially generate interest. Once the program begins, externs have also been known to spread the word at their respective schools to other students.

The number of externs placed in each individual jurisdiction varies. In some courts, students from different law schools are placed to create a diverse group and provide networking opportunities for the externs who will be colleagues for many years.

The application process varies from court to court. Judges need to decide on the application process. A cover letter and resume can be sufficient for most programs per my research. A writing sample and transcript may be included if deemed helpful. Setting dates for receipt of applications, time frame for interviews and deadlines for offers to law students can be helpful to both the judges and applicants.

Judges can also determine criteria for acceptance, which also varies among the jurisdictions. Many jurisdictions place emphasis on selecting local students who plan on practicing in the jurisdiction who may be given priority, as they tend to get the most benefit, getting to know the judges, staff, local attorneys, and individual court procedures. Grades are usually not a major factor, though certainly can be considered, if judges so choose.

Interviews of the law students are typically conducted. Some judges conduct phone interviews, considering them to be the most practical and convenient method, given students' schedules. If personal interviews are preferred, judges should try to accommodate students' law school schedules.

Judges can decide what practice or practices best fit their situation. If a committee structure is tried, judges can discuss with their committee how best to recruit, select and place externs, and decide what activities to offer in their respective externship programs.

## **CONCLUSION**

It is apparent from my research findings that there exist many variations in every aspect of judicial externships amongst the judges surveyed. Not only are there variations in the levels of court, but among judges at the same level and even in the same jurisdiction there is a lack of uniformity. A law student participating in a judicial externship has an individual and unique experience, largely dependent on not only the court but the individual judge overseeing the placement.

The option of incorporating uniform practices into judicial externship programs may have some benefits. Judges could have in place a uniform set of practices from which to choose, that once in place would be available for use, and program structure would have some measure of uniformity and not be entirely dependent on which judge may be supervising the externs from year to year.

Judicial placements could then be consistent in what they offer law students, allowing students and law schools alike to evaluate the benefit offered by placing externs in the courts. Law students would more fully appreciate what they are signing up for and law schools would be more knowledgeable about what experience the law student was being offered. Then perhaps the law school classroom components could more easily address and complement the experiential education found in the judicial externship, with all students learning comparable skill sets based on comparable field placements.

I suggest that judges could potentially improve their judicial extern programs by pooling ideas and incorporating one or more practices into their programs that have worked for their peers. This may be a good time to combine the various practices that have worked, and structure a model judicial extern program. Considering the multiple practices, each court and judge could adapt those practices compatible with their respective individual needs and resources. Judges in different courts could coordinate efforts to combine certain learning experiences for their respective externs. Perhaps this would provide judges more opportunity to offer law students a much more fulfilling experience by adding a much broader experiential component to their judicial externship. Perhaps developing a model judicial externship with the help of practicing attorneys and staff offering exposure to various areas of the law, an educational component, field trips, networking opportunities, attorney shadowing and hands on practice, or some variation of these practices, could better fulfill the goal of preparing law students for the practice of law.

There may be some benefit in trying to determine a set of best practices for judicial externships. It may be well worth the effort to try some of the suggested prescriptive measures for reform of judicial externships-subject to later reevaluation. After a trial period, another study could be undertaken to determine if uniformity in judicial extern programs is in fact beneficial for all concerned.

