PROSECUTORIAL EXTERNSHIP PROGRAM

INFORMATIONAL MANUAL

Hans P. Sinha
Clinical Professor of Law
Director Prosecutorial Externship Program
Lamar Law Center, Room 556
hsinha@olemiss.edu
(662) 915-6884

“I hear and I forget. I see and I remember. I do and I understand.”

National Center for Justice
and the Rule of Law
The University of Mississippi School of Law
# Table of Contents

Check Lists: Placement and Student Requirements .......................................................... 1
Introduction ...................................................................................................................... 2
Goals of Program .............................................................................................................. 2
Overview of Prosecutorial Externship Program ............................................................... 5
Extern Placement ............................................................................................................ 5
The Prosecution Function Class ...................................................................................... 6
Academic Administration ............................................................................................... 6
Summer Term .................................................................................................................. 7
Swearing-In Ceremony .................................................................................................... 8
Placement Guidelines ..................................................................................................... 9
On-Site Supervisor ........................................................................................................... 9
Mentoring Role ................................................................................................................ 10
Guidance and Critique ..................................................................................................... 10
Initial Student-Supervisor Meeting .................................................................................. 10
Mid Semester Review Meeting ....................................................................................... 13
Exit Interview and Written Evaluation ........................................................................... 13
Field Placement Issues ................................................................................................... 14
Work Place Environment ............................................................................................... 16
Suggestions for Supervision ........................................................................................... 17
Student Responsibilities ................................................................................................. 20
Summary - Mississippi Limited Practice Act ................................................................... 25
Summary - Law Student Intern Practice Procedure - Northern District of Mississippi .... 26
Summary - American Bar Association Standards 302 and 305 ...................................... 27

Appendix:

Mississippi Limited Practice Act §73-3-201, et seq. ...................................................... 29
Law Student Intern Practice Procedure - Northern District of Mississippi Rule G-13 .... 33
American Bar Association Standards 302 and 305 ........................................................ 36

Quote on front cover attributed to Confucius, (551 BC – 479 BC)
CHECK LISTS

PLACEMENT RESPONSIBILITIES

G On-Site Supervisor Designation. Page 9
G Initial Student-Supervisor Meeting. Page 10
G Introduction and orientation. Page 11
G Calendar of events. Page 11
G Placement plan. Page 12
G Evaluation form. Page 12
G Confidentiality. Page 13
G Mid-Semester Review Meeting. Page 13
G Verifying Student’s Daily Log. Page 21
G Exit Interview. Page 13
G Final Evaluation. Page 13

STUDENT RESPONSIBILITIES

G Professionalism and Dedication. Page 20
G Academic Good Standing. Page 20
G Credit Hours and On-Site Hours. Page 21
G Daily Log. Page 21
G Journal. Page 22
G Placement Plan Page 22
G Essay. Page 23
G Individual Meetings. Page 24
G Evaluation. Page 24
G Mid-Semester and Exit Meetings. Page 13
G
INTRODUCTION

The law school community greatly appreciates the time, effort, and mentoring prosecutors provide students who are placed as externs in prosecutor offices across the state, and indeed the country. We are especially grateful to the prosecutors who serve as on-site supervisors for these students. As the students are able to participate in a real-life practical experience through this program, while also earning academic credit for their time, the program has to conform to certain guidelines and parameters. This manual is intended to provide a description of the Prosecutorial Externship Program. It outlines the various requirements a student externing in a prosecutor’s office is expected to meet, the duties of the on-site supervisor in relation to the students whom they supervise, as well as the responsibilities of the law school in administering the program.

GOALS OF PROGRAM

The overall goal of the Prosecutorial Externship Program is to provide an educational setting wherein law students interested in public service as prosecutors can gain both practical and theoretical experience pertaining to the role of the prosecutor, and learn from such experience. By combining academic studies with doing and observing, the students develop and enhance practical legal skills such as analysis, reasoning, problem solving, and oral and written communications. The students also develop an understanding of the role of the prosecutor in the criminal justice system, including the unique ethical and professional responsibilities of prosecutors as “Ministers of Justice.” The students are
also encouraged to put the practical knowledge they gain into a broader legal and social context, challenging, modifying and expanding their existing knowledge in the process. The ability to continuously learn from and adapt to new situations, is an important skill of lawyering. To do so in the context of prosecution is essential.

Simply put, the goals and expectations of the Prosecutorial Externship Program are:

1. To expose students to traditional lawyering skills through participation in activities such as investigation, interviewing, negotiation, oral and written advocacy and the formulation of case strategy;

2. To develop students’ oral advocacy, including the ability to think on their feet through observation and participation in criminal court proceedings;

3. To enhance the students’ understanding of general legal principles taught in law school through the opportunity to observe and participate in the application of such principles in an applied setting;

4. To enhance the students’ understanding of the specific legal principles and concepts pertaining to the field of criminal prosecution taught in the classroom component of the program through the opportunity to observe and participate in the application of such principles in an applied setting;

5. To give students the opportunity to participate in, and reflect upon, the work, policies, and administration of prosecutor offices;

6. To expose students to ethical and professional issues within the context of the practice of law in general, as well as to enhance the students’
understanding of the unique ethical and professional responsibilities of a prosecutor;

7. To instill fundamental values of the legal profession as a whole, including effective representation, the fair and equal administration of justice, and a commitment to excellence in public service; and

8. To provide participating students the opportunity and tools to learn from their experiences.

OVERVIEW OF PROSECUTORIAL EXTERNSHIP PROGRAM

The University of Mississippi School of Law’s Prosecutorial Externship Program combines an academic component with real life experience. The academic component consists of a seminar class entitled *The Prosecution Function* which is offered each semester. The real-life experience comes from students being placed as prosecutorial externs with local, state, and national prosecutor offices. A student who has participated in both components will be prepared to step into any prosecutor office upon graduation and fulfill his or her duties as a competent, effective, ethical and professional prosecutor.

EXTERN PLACEMENT

The primary purpose of placing students as externs with prosecutors is to enhance the overall educational experience of the students. This is achieved through the students working with experienced prosecutors in a real-life environment. In most jurisdictions students are sworn in as limited practice student-attorneys, permitting them to participate in court proceedings. Externs will be assigned to those offices which experience and
information suggest will provide them the high quality of experience, supervision and instruction required by the academic objective. Crucial to a successful placement is the formation of a mentoring environment wherein the students not only work with experienced prosecutors, but also receive the time and attention of these prosecutors needed to enable the students to learn from their experiences. The students are evaluated by the on-site supervisors and by the director of the program at the end of the semester. By successfully completing the program, students earn academic credit toward their law degree, and are graded on a pass/fail basis, as recommended by the on-site supervisor and determined by the faculty director.

**THE PROSECUTION FUNCTION CLASS**

*The Prosecution Function* class is the classroom component of the program. The class is a three hour graded course taught by the director of the program. The class covers the history, substantive, procedural, ethical, professional, and special subject areas with which a prosecutor should be familiar. *The Prosecution Function* class goes hand in hand with the placement of students as prosecutorial externs. Students enroll in *The Prosecution Function* class the same semester they are placed as prosecutorial externs, or if placed in the summer term, the preceding spring semester. Enrollment in *The Prosecution Function* class enables the students to better understand the concepts of law, procedure and ethics which they will encounter during their placements. The classroom component also ensures the students come well prepared to their placements, and enhances the overall educational experience of their placement by providing an academic forum in
which to further explore the issues they are exposed to in their placements.

**ACADEMIC ADMINISTRATION**

The program is administered and supervised by a faculty director who works under the program policy guidance of a faculty committee. All academic policy is established by the law faculty and the Dean of the law school. The director is responsible for evaluating and selecting appropriate placement offices, placing externs with such offices, maintaining contact and visitation with externs and their on-site supervisors, and reviewing the externs’ daily logs, journals, essays and evaluations. It is also the director’s responsibility to coordinate the resolution of any concerns or problems which may arise during a student’s placement. The director also maintains regular contact with the various placements, and ensures the on-site supervisors are provided sufficient information and training in their dual roles as prosecutors and educators. As part of this process, the director seeks to visit all placement offices once per semester. Any concerns by on-site supervisors as to individual students, or the program as a whole, can be communicated to the director at any time, or at such visits.

**SUMMER TERM**

Students placed as prosecutorial externs during the summer term operate under the same guidelines as during the school year with some necessary adjustments. The standard length for a summer placement corresponds to the eight week summer school session. Summer externs are, however, not bound to do their externship on the same dates as the law school summer session. Many students take the opportunity to do an externship with their
home town prosecutor’s office, or a specially selected office across the nation, during the summer session. Depending upon the geographical placement of a summer extern, the individual mid-term meeting with the director of the program may take place by telephone. Summer externs take *The Prosecution Function* class the spring semester preceding their summer placement. All other requirements remain the same for the summer term as for the semester terms.

**SWEARING-IN CEREMONY**

The law school holds a swearing-in ceremony each fall and spring semester wherein state clinical students are sworn in by a circuit or chancery judge in Oxford, Mississippi. Students who will practice in the United States Northern District of Mississippi are sworn in by a federal judge at this same ceremony. The swearing-in ceremony is followed by a reception at a local restaurant. All prosecutors who work with students throughout the year are invited to the ceremony and reception. Students who will practice in state courts beyond Oxford are required to petition and be sworn in by a circuit or chancery judge in such district. Once a student has been sworn in, the student is authorized to engage in the limited practice of law in any court in the state. Students who are placed with prosecutor offices outside of Mississippi may be allowed to practice in such courts depending upon the particular state’s or district’s rules.
**PLACEMENT GUIDELINES**

A successful externship program would not be possible without prosecutors opening their doors to third year law students, and especially without senior prosecutors taking the time to serve as on-site supervisors. Since the students assigned as externs are both students enrolled in a law school course earning academic credit, and in most instances sworn in as limited practice student-attorneys, there are certain academic and statutory requirements, as well as general guidelines, which need to be considered.

**ON-SITE SUPERVISOR**

Each placement where a student is assigned as a prosecutorial extern must designate one experienced prosecutor to be the on-site supervisor for such extern. When more than one student is assigned to a single office, the same prosecutor acts as the on-site supervisor for all students. The students, however, work for many different prosecutors during their placement. It is the responsibility of the on-site supervisor, together with the director of the program, to ensure that the externs have worthwhile professional and educational experiences.

**Mentor**

An experienced and trusted advisor.
To advise or train someone, especially a younger colleague.
MENTORING ROLE

A mentoring environment is crucial to a successful placement. It is incumbent upon the on-site supervisor to assume the role of a mentor, and to advise, train and guide the students, and to ensure that all prosecutors working with students assume a similar mentoring role. At a minimum, mentoring means that the students are provided an adequate amount of meaningful work and experiences, and that such work and experiences are directly monitored and regularly critiqued.

GUIDANCE AND CRITIQUE

Guidance, supervision, feedback and constructive critique are integral parts of a mentoring relationship. An ongoing process of constructive critique throughout the placement is crucial in ensuring that a prosecutorial extern’s experience is an educationally beneficial one. All prosecutors with whom a student works are expected to provide advice and constructive critique to the student. While this crucial part of the mentoring process is continuous throughout the time of the student’s placement, the on-site supervisor is asked to also conduct one mid-placement meeting and one exit-interview with each student. This requirement is designed to provide a minimum of two formal opportunities for evaluation and critique.

INITIAL STUDENT-SUPERVISOR MEETING

Students come to their placements with anticipation and eagerness unequalled in their budding legal careers. For most of them, this is their first legal experience with the
“real world.” While not always apparent, the students’ eagerness and desire to do well, is matched only by their apprehension and fear of disappointing their supervisors. A structured initial meeting with the on-site supervisor goes a long way in easing the students’ transition from student to student-attorney, and towards ensuring a great and mutually beneficial placement. On-site supervisors are encouraged to take care of some housekeeping matters during this initial meeting, including:

G **Introduction and orientation.**

Taking the time to introduce the students to the prosecutors and staff, and orienting them to the layout of the office, goes a long way in making the students feel welcome. It also lets the prosecutors know who the students are and that they are available for work assignments.

G **Calender of events.**

If a central calender of upcoming hearings and trials exists, students should be shown where such calender is located, and how to interpret it. This enables students to note events and projects which may be of interest to them, and to approach the attorneys handling such cases to see if they can assist and participate in such events. For placements which have set trial terms, explaining to the students when the next grand jury session or trial week is scheduled, enables the students to plan their semesters sufficiently in advance to be able to fully participate in such matters.

G **Placement plan.**
Prior to arriving at their placement, each student will have prepared a one page placement plan outlining what he or she hopes to gain from the placement. The student is specifically asked to identify five anticipated goals and objectives for the semester. The student is asked to share, discuss, and revise this plan with the on-site supervisor during their initial meeting. This process will enable the on-site supervisor to better plan and fashion the student’s work assignments, and if needed, adjust the student’s expectations.

The student is required to turn in a copy of his or her revised placement plan to the director of the program after this initial meeting. At the end of the placement, the student is again asked to review his or her placement plan, and evaluate whether his or her goals and objectives were accomplished.

**Evaluation form.**

During the initial meeting, the student will also provide a copy of the student evaluation form to the on-site supervisor. The evaluation is intended to be a learning tool for the students. As such, the on-site supervisor is asked to complete the evaluation at the end of the student’s placement, and to review it with the student during his or her exit interview.

**Confidentiality.**

Prior to coming to their placement, the students are required to read the Mississippi Rules of Professional Conduct. They are specifically reminded
of the importance of Rule 1.6 *Confidentiality of Information*. The students are asked to address this issue with their on-site supervisor in general and specifically in relation to the students’ journal requirement. The students are instructed not to reveal privileged information in their journal entries by the director of the program. However, the on-site supervisor is also asked to review this area with the student at the outset of the placement.

**MID SEMESTER REVIEW MEETING**

The on-site supervisor is asked to meet individually with each extern mid-term to ascertain how the placement is progressing. Major concerns should be addressed then, rather than at the end of the student’s placement. This is also an opportunity for providing a formalized critique and evaluation of the student. Students appreciate and benefit tremendously from such individualized and dedicated meetings.

**EXIT INTERVIEW AND WRITTEN EVALUATION**

The on-site supervisor is asked to conduct an exit interview with the extern at the end of the placement to review the student’s overall performance. The evaluation form provided by the student during the initial student-supervisor meeting can be used as a guide for this meeting. If the on-site supervisor so chooses, another written evaluation can be substituted. The goal is to provide an honest and forthright critique of the student’s performance. While accolades are welcomed by all, students prefer and benefit from constructive criticism that will enable them to become better lawyers. The written evaluation should be given to the student who will bring it to the director of the program.
Should the on-site supervisor wish to provide a confidential written evaluation directly to the director of the program, he or she may do so.

**FIELD PLACEMENT ISSUES**

The vast majority of placements have and continue to provide educational experiences to the students that can only be described as superb. Nevertheless, a review of student evaluations of past prosecutorial placements, enables one to identify common concerns. Some are listed here as a means to aid on-site supervisors, and the program as a whole, to learn from experience and improve for the future.

**G Feedback**

The most common concern students express is a lack of feedback from the attorneys with whom they have been working. Constructive criticism on a task, whether it be a completed research project, witness interview, trial outline, or witness preparation in a court proceeding, is essential for the students to learn from their experiences. Most students shy away from asking for such critique. It is incumbent upon the prosecutor with whom the student has been working, or the on-site supervisor, to take the initiative in providing such feedback. It cannot be sufficiently emphasized how much the students benefit from and appreciate such feedback.

**G Missed opportunities**

Another concern often noted by students is not knowing in advance what events are coming up on the calender. This concern can easily be alleviated if the students are
informed about the master calendar, and simply kept abreast of the various events that attorneys are preparing for and will be attending.

**G Down time**

Most prosecutor offices have sufficient work to ensure continuous worthwhile assignments. Nevertheless, at times students experience down time when they do not have any assigned tasks to perform. While the students are instructed to be assertive (yet diplomatic) in seeking out assignments, every effort should be made to ensure that a student has meaningful work. When necessary, alternate projects such as formulation of various prosecution policies, or organized activities such as visits with other law enforcement agencies, should be considered.

**G Meaningless work**

A lack of meaningful work should not be filled with repetitious tasks designed to merely occupy a student’s time. While everybody in a prosecutor’s office may at times perform tasks which might traditionally be termed secretarial or administrative, the continuous assignment of non-substantive tasks to a student is contrary to the educational goal and spirit of the program. An educationally beneficial placement relies upon the on-site supervisors to achieve the appropriate balance in this regard. Students may not work on personal, private or political matters while assigned as prosecutorial externs.

**G Supervising attorney**

At times, a student may be assigned to a prosecutor who, although he or she initially
agrees to work with the student, either lacks the time or enthusiasm that is needed to provide a meaningful educational benefit to the student. At this stage of their careers most students are too concerned about “rocking the boat,” that they would rather incur a lost educational opportunity, than say something which may be interpreted as complaining in any way. It falls upon the on-site supervisor to address any concerns of this nature. Normally regular meetings with the students are sufficient to discern and address such problems.

**WORK PLACE ENVIRONMENT**

To the extent possible, externs should be fully integrated into the workplace environment. This includes providing the students with a dedicated desk, cubicle, or office, as the situation permits, in the same area as the prosecutors. The more the students are made a part of the general office environment, the more they will be treated as colleagues during their stay in the prosecutor’s office. Making the students part of the work environment ideally extends beyond the mere physical location of their work area to including them into the culture of the office. As appropriate, student should be invited to general office meetings, out of the office meetings with law enforcement, witnesses and judges, as well as lunches. Students often comment that they learn as much from these informal occurrences, as they do from formal work assignments. As part of its mission to enhance the Prosecutorial Externship Program, the National Center for Justice and the Rule of Law provides laptop computers to all prosecutorial externs who lack adequate computers.
SUGGESTIONS FOR SUPERVISION

All prosecutors with whom students work as prosecutorial externs will have individual ways of ensuring exciting and worthwhile experiences for the students. In fact, working with and observing different prosecutors is one of the many benefits a student gets by participating in the program. Some general suggestions for successful supervision of students include:

Office Management. Involve the students in the processes of calendering, control, filing systems, assignment and division of cases within the office, in a way which will provide them with an understanding of the working of a prosecutor’s office.

Interviewing and Counseling. Engage the students in interviews with crime victims, police officers and other witnesses in pending cases. Prosecutors may also find occasions to expose externs to counseling with victims, and their families, law enforcement officers and other persons interested in cases. Suggest techniques for interviewing and provide critique of their interviewing experiences.

Negotiation. Involve the students as observers and then as participants in the plea bargaining process. Alert them to the various, practical and legal factors which influence tactics and decisions in this process. Assist them to recognize the different pressures which may influence negotiations.

Litigation Process. Familiarize the students with the applied procedural process in criminal cases from investigation through verdict, with as much experience as possible in trials and hearings. Instruction, observation, and immediate critique is
crucial with respect to hearings and trials. Students’ initial insecurity will be form and technique. Once they have some confidence in their skills, the critique may turn to more substantive orientation. The importance of preparation should always be emphasized, as well as the selection of witnesses, identification and sequencing of exhibits, and prediction of evidence disputes. Teach them the use of trial notebooks, checklists and other mechanics which the supervising attorney finds helpful. Try to involve them in jury trials if possible, as well as misdemeanor cases, grand juries and pre-trial hearings. Get the students on their feet quickly, and as much as possible.

**Research and Writing.** Allow the students to assist you in researching predicted legal disputes and in drafting pleadings, motion, briefs, proposed orders and memoranda as appropriate. Please critique their work for form and content.

**Ethics and Professional Responsibility.** Instilling in the student-attorney an appreciation of ethics and professionalism is of utmost importance. This is particularly crucial in the prosecution setting considering the prosecutor’s special ethical and professional responsibilities as a “Minister of Justice.” Take every opportunity to discuss ethical and professional issues with the students as they may arise throughout the placement. Seek to emphasize the real life application of Rule 3.8 *Special Responsibility of a Prosecutor* of the Rules of Professional Conduct. The concern and interest of the supervising attorney as to this subject will be noticed and absorbed by the extern.
STUDENT RESPONSIBILITIES

Just as a prosecutor supervising an extern assumes the dual role of prosecutor and educator, a student participating in the Prosecutorial Externship Program assumes the dual role of student-attorney. In this capacity, the student has certain duties inuring towards his or her role as an extern, and certain duties inuring towards his or her role as a student. Each extern is expected to recognize and honor the time, commitment and mentoring provided by the placement through an overall professional and dedicated demeanor. This includes:

- Professionalism
- Punctuality
- Confidentiality
Adherence to office policy

Appropriate dress and speech, and;

An overall treatment of the placement for what it is - an unique opportunity for a student to work in a professional environment with dedicated prosecutors.

The academic requirements that must be fulfilled by a student participating as a prosecutorial extern, in addition to enrolling in The Prosecution Function class, include:

G Academic good standing

In order for a student to participate as prosecutorial extern, he or she must be in academic good standing. A letter from the Dean of the law school will be sent to each placement indicating that the student is indeed in academic good standing.

G Credit hours and on-site hours

Students may earn between three and six academic credit hours for participating in the Prosecutorial Externship Program. Based on a 14 week semester, the number of on-site hours a student must work at his or her placement in relation to the number of credits averages out to be:

6 credit hours. 20 hours per week. 280 hours for the semester.
5 credit hours. 16 hour per week. 224 hours for the semester.
4 credit hours. 14 hours per week. 196 hours for the semester.
3 credit hours. 10 hours per week. 140 hours for the semester.

As long as the student works the total required hours for the semester, he or she is
not compelled to work the exact number of hours noted above each week. The schedule for the student is left open to the student and the placement. Students assigned as externs with a United States Attorney’s Office are required to sign up for six credit hours and complete 280 on-site hours.

G  Daily log

Students are required to maintain a detailed log documenting their daily activities. They must submit a copy of this daily log to the director of the program every two weeks. These bi-weekly submissions may be submitted through email. At the end of the placement, however, the students are required to submit the original daily logs. Such logs must be signed by the student verifying that the hours indicated are correct, and by the on-site supervisor indicating he or she has reviewed such logs and that they substantially comport to the hours the student worked at the placement.

G  Journal

In addition to keeping a daily log, prosecutorial externs must also keep a daily journal of their activities. The goal of the journal requirement is to enhance the educational experience of the externs by encouraging a broader reflection upon their experiences. Each term, certain specific topics are assigned which the students must address in their journals. The students are expected to maintain these journals on a daily and contemporaneous manner. The journal entries are provided to the director of the program every two weeks together with the daily logs. The director reads each student’s journal entries, and engages in a dialogue with the student by providing
comments based upon the journal entries. Absent a specific request from the on-
site supervisor, the journals are confidential and are shared only between the student
and director of the program. This confidentiality is intended to encourage true and
honest reflection by the students in their journals.

**Placement plan**

At the outset of the placement, students are required to prepare a placement plan
outlining what he or she hopes to gain from the placement. This plan is shared with
the on-site supervisor during the initial meeting between the student and the on-site
supervisor. After the initial meeting, the student reviews the revised plan with the
director of the program. At the end of the placement, the student is asked to once
again review his or her plan and evaluate whether the goals were reached, and if not,
seek to ascertain why.

**Essay**

Prosecutorial externs are also required to produce an essay on a topic pertinent to
his or her placement. This essay is to be a minimum of five pages in length. The
topic of this essay must fall into one of two categories. The first category consists
of a discussion of an ethical or professional issue that the student has been exposed
to during his or her placement. This category is designed to encourage the student
to identify and contemplate ethics and professionalism within the complexity of real
life as opposed to the sterile setting of academia. The second category consists of a
discussion of how a component of the student’s placement works, and suggestions
by the student as to how such component could be improved. This category is
designed to encourage students to investigate one aspect of a prosecutor’s duty in
detail, and recognizing that there are different ways of accomplishing the same goal,
propose improved alternatives. Students may ask their supervisors to help identify
suitable essay topics.

G Individual meetings

In addition to meeting twice a week as a group in The Prosecution Function class,
each student meets at a minimum once in the middle of the semester with the
director of the program, and again at the end of the semester. These meetings are
designed to provide a forum wherein issues pertaining to an individual student’s
placement can be addressed, as well as to ensure a continuous improvement of the
program as a whole. These meetings are scheduled to coincide with the students’
mid-semester meetings and exit interviews at their placements.

G Evaluation

At the end of the placement, each student is required to complete an evaluation. This
evaluation seeks information both as to the office where the student was placed, as
well as to the program in general. The student completed evaluations are
confidential. Information obtained from these evaluations is shared only in general
terms with the respective on-site supervisors in order to address any systemic
concerns and to improve specific placements as needed.
SUMMARY OF APPLICABLE STATUTES, RULES AND STANDARDS

MISSISSIPPI LIMITED PRACTICE ACT

The majority of the students participating in the program do so in a setting wherein they can be sworn in as limited practice students pursuant to the Mississippi Limited Practice Act. It is recommended that on-site supervisors be familiar with the scope and limitation of such Act. The Limited Practice Act appears in its entirety in the appendix.

Some pertinent parameters of the Mississippi Limited Practiced Act include:

> Supervising attorney means attorneys who are licensed to practice in Mississippi and who are public officials or who have practiced more than three years in a public or non-profit setting. See 73-3-205 (c).

> Upon petitioning the court, taking the oath and having been admitted to limited practice by an order of a circuit or chancery judge in the district in which the student will practice, such student is authorized to engage in the limited practice in any court in the state, subject to any controls and limitations ordered by the judge of the court. See 73-3-207(a-b).

> The authority for limited practice extends during the regular school term in which the student is enrolled in the legal internship program, including the
intersessions between terms. See 73-3-207(c).

- This authority may be revoked by the court granting it for good cause. See 73-3-207(c).

- The student may not directly represent clients, but may only assist the supervising attorney in representing clients. See 73-3-207(d).

- All pleadings and entries of record in court must be signed by the supervising attorney. See 73-3-207(d).

- Students may appear and participate in trials and hearings if the supervising attorney is present and supervising the student. See 73-3-207(e).

- Students may appear in and assist the supervising attorney before grand juries subject to the same prohibitions and penalties as to disclosure and secrecy as are members of the grand jury. See 73-3-207(f).

- Students are subject to the same standards and rules of professional conduct and ethics and the same rules of discipline as are licensed attorneys. See 73-3-207(g).

- Students may not receive compensation for their services. They may be reimbursed actual expenses if funds are available for that purpose. See 73-3-207(h).

LAW STUDENT INTERN PRACTICE PROCEDURE
NORTHERN DISTRICT OF MISSISSIPPI. RULE G-13
Students assigned to the United States Attorney’s office in Oxford, Mississippi, as well as to certain other United States Attorney’s offices, can be sworn in as limited practice students pursuant to those jurisdictions’ rules. It is recommended that on-site supervisors be familiar with the scope and limitation of such rules. The Law Student Intern Practice Procedure for the Northern District of Mississippi, Rule G-13, appears in its entirety in the appendix. Some pertinent parameters of the rule include:

- A requirement that the student has completed at least four full-time semesters of law school. See Rule G-13(2)(b).

- A certification by the dean of the law school as to the student’s good moral character, competent legal ability, and adequate training to perform as a legal intern. See Rule G-13(2)(c).

- The students being introduced by an attorney admitted to practice before the court, and taking the appropriate oath. See Rule G-13(2)(d and e).

- An ability for the student to prepare and sign petitions and motions, with a requirement that such documents also be signed by the supervising attorney. See Rule G-13(5)(b).

- The supervising attorney assumes personal professional responsibility for conduct of the case, the guidance of the law student intern, and for supervising the quality of the student’s work. See Rule G-13(4)(b).

**AMERICAN BAR ASSOCIATION STANDARDS 302 AND 305**
The placement of students in prosecutor offices is part of the University of Mississippi School of Law’s educational curriculum. As such, the program has to conform to American Bar Association Standards governing law school curricula. Standards 302 and 305 in particular address programs such as the prosecutorial externship program. A familiarity of these standards aids the on-site supervisors in understanding the nature, scope and parameters of the program. Standards 302 *Curriculum* and Standard 305 *Study Outside of the Classroom* appear in their entirety in the appendix. Some noteworthy points and requirements of these standards include:

- That law schools provide “live client or other real-life practical experiences” as part of its J.D. program. This requirement “might be accomplished through clinics or externships.” See Standard 302(c)(2).
- That credit awarded for students work outside of the classroom be commensurate with the time and effort required and the quality of the educational experience of the student. See Standard 305(b).
- That the student’s academic achievements be evaluated by a faculty member. See Standard 305(c).
- That field placement programs such as externships include stated goals and methods in achieving such goals, adequate instructional resources, clearly articulated methods of evaluation, methods for selecting, training and communicating with the on-site supervisors, on-site visits by the responsible faculty member, and an opportunity for reflection (such as through the use of journals) by the participating students. See Standard 305(e).
- That a contemporaneous seminar is required for programs where students can earn more than six credit hours (and highly recommended in all instances). See Standard 305(e)(7).
APPENDIX

MISSISSIPPI LIMITED PRACTICE ACT

§ 73-3-201. Short title
This article shall be known as "The Law Student Limited Practice Act."

§ 73-3-203. Law student program in public interest
It is in the public interest to encourage the establishment and operation of effective legal internship and clinical legal education programs by law schools in this state and the utilization of services of law students in such programs as a form of legal education.

§ 73-3-205. Definitions; qualifications
For purposes of this article, the following words and terms shall have the following meanings:

(a) "Law student" means a law student regularly enrolled in a law school in this state who (i) if enrolled and assigned in a legal internship program, has completed two-thirds (2/3) of the required number of hours for graduation from that school, or (ii) if enrolled in a clinical legal education course, has completed one-half (½) of the required number of hours for graduation from that school.

(b) "Legal internship program" means a program or course for academic credit which is established by a law school of this state and directed or generally supervised by a member of the faculty or staff of the school in which law students are assigned to work under the supervision of supervising attorneys.

(c) "Supervising attorneys" means attorneys who: (i) are licensed to practice law in
Mississippi and who are public officials, or (ii) are licensed to practice law in Mississippi and have actively practiced more than three (3) years in public offices, agencies or departments, in public defender offices, or in nonprofit or publicly funded legal services or agencies and to whom students are assigned as interns.

(d) "Clinical legal education course" means a course for academic credit which is established by a law school in this state in which law students assist a clinical teacher in providing legal services to clients under the direct and regular personal supervision of the clinical teacher.

(e) "Clinical teacher" means a member of the faculty or staff of a law school in this state who teaches and supervises law students in a clinical legal education course and is licensed to practice law in Mississippi.

§ 73-3-207. Authorization to practice law; conditions; compensation

A law student enrolled in a legal internship program or a clinical legal education course is authorized to engage in limited practice in the courts of this state with the following conditions and limitations:

(a) The law student will petition the court and take the oath, as prescribed in this article, and be admitted to limited practice by an order of a judge of a circuit or chancery court, as prescribed in this article, in the district in which the student will practice.

(b) Upon filing the oath and order in the office of the clerk of that court, the law student will be authorized to engage in limited practice in any court in the state subject to any controls and limitations ordered by the judge of the court.

(c) The authority for limited practice by a law student will continue during any regular school terms in which the law student is enrolled in a legal internship or clinical legal education course, including the intersessions between terms. The
authority may be revoked by the court granting it for good cause.

(d) A law student may not directly represent clients but may only assist the supervising attorney or clinical teacher in representing their clients. All pleadings and entries of record in courts must be signed by the supervising attorney or clinical teacher.

(e) Law students may appear and participate in trials and hearings in courts if the supervising attorney or clinical teacher is present and supervising the student.

(f) Law students assigned as interns to prosecuting attorneys may assist the supervising attorney before grand juries subject to the same prohibitions and penalties as to disclosure and secrecy as are members of the grand jury.

(g) Law students will be subject to the same standards and rules of professional conduct and ethics and the same rules of discipline as are licensed attorneys.

(h) Law students shall receive no compensation for their services but may be reimbursed actual expenses if funds are available for that purpose.

§ 73-3-209. Oath

A law student who meets the qualifications set forth in this article may petition a circuit or chancery court and present the oath in the following form:

"PETITION AND OATH FOR ADMISSION TO LIMITED PRACTICE

The undersigned, , does state and affirm that I am a law student who has the qualifications for admission to limited practice under the Law Student Limited Practice Act, Section 73-3-201 et seq., Mississippi Code of 1972, and seek the authority of this court to engage in limited practice under that act.

I do, upon my oath, solemnly swear (or affirm) that when granted that authority I
will demean myself in accord with the conditions and limitations of the Law Student Limited Practice Act according to the best of my learning and ability and with all good fidelity as well to the court as to the client; that I will use no falsehood nor delay any person's cause for lucre or malice, and that I will support the Constitution of the United States and of the State of Mississippi so long as I continue a citizen thereof.

It is therefore prayed that this court order my admission to limited practice pursuant to said act."

The filing of the petition signed by the law student will constitute a sworn statement by the student under oath.

§ 73-3-211. Order of judge administering oath; duration of authority to practice law

Upon finding that a law student meets the qualifications for limited practice under this article, a judge of the court may order the admission of the student to limited practice in the following form:

"ORDER

Be it known that , a law student, has petitioned this court for admission to the limited practice of law and presented the prescribed oath pursuant to the provisions of the Law Student Limited Practice Act, Section 73-3-201 et seq., Mississippi Code of 1972, and having found that said petitioner is a citizen of the United States who meets the requirements for such admission, the court therefore finds that petitioner is entitled to admission to the limited practice of law under said act.
It is therefore ordered and adjudged that is admitted to the limited practice of law as a law student in all the courts of this state for the duration and upon the terms, conditions and limitations prescribed by said act.

Ordered and adjudged this day of 20.

The petition and oath of the law student and the order of the court will be kept on file in the office of the clerk of the court.

LAW STUDENT INTERN PRACTICE PROCEDURE
NORTHERN DISTRICT OF MISSISSIPPI
RULE G-13

1. Appearance of Law Student Intern.

Subject to the court’s approval and under the supervision of a member of the bar of this court, an eligible law student intern may appear on behalf of any party in the following matters, if the person on whose behalf he is appearing and the supervising lawyer have indicated in writing their consent to such appearance:

(a) Any civil matter in which a fee is not provided for or could not be reasonably anticipated by contract, statute or otherwise.

(b) Any criminal matter in which an indigent defendant does not have the right to the assignment of counsel under any constitutional provision, statute, or rule of this court.

(c) Any criminal matter in which the defendant has the right to the assignment of counsel under any constitutional provisions, statute, or rule of this court.

(d) In each case the written consent and approval referred to above shall be filed in the record of the case.

(e) In each case the supervising lawyer must be personally present throughout the proceedings and shall be fully responsible for the manner in which they are conducted.
2. **Eligibility of Law Student Intern**

   In order to make an appearance pursuant to this rule, the law student intern must:

   (a) Be duly enrolled in this state in a law school approved by the American Bar Association.

   (b) Have completed legal studies amounting to at least four (4) full-time semesters, or the equivalent if the school is on some basis other than a semester basis.

   (c) Be certified by the dean of his law school as being of good moral character, competent legal ability, and adequately trained to perform as a legal intern.

   (d) Be introduced to the court by an attorney admitted to practice in this court.

   (e) Neither ask for nor receive any compensation or remuneration of any kind for his services.

   (f) Shall take the following oath:

   "I, ______________, do solemnly swear that I will support the Constitution of the United States and of the State of Mississippi and have read and am familiar with the Code of Professional Responsibility of the Mississippi State Bar, and I understand that I am bound by the precepts therein contained as fully as if I were admitted to the practice of law in Mississippi; and that I further accept the privileges granted to me as well as the responsibilities which will devolve upon me, so that I may be more useful through my clinical education in the service of justice." SO HELP ME GOD.

        ____________________________
        Law Student Intern

        Sworn and Subscribed
        before me, _____________________
        Clerk

3. **Certification Procedure**

   The certification of a student by the law school dean:

   (a) Shall be filed with the Clerk of Court and, unless it is sooner withdrawn, it shall remain in effect until the expiration of twelve (12) months after it is filed, or until the student’s graduation from law school, whichever is earlier.

   (b) May be withdrawn by the dean at any time by mailing a notice to that effect to the
Clerk of Court. It is not necessary that the notice state that cause for withdrawal.

(c) May be terminated by this court at any time without notice or hearing and without any showing of cause. Notice of the termination may be filed with the Clerk of Court.

4. **Responsibility of Supervising Lawyer.**

The lawyer under whose supervision an eligible law student intern renders any service permitted by this rule shall:

(a) Be admitted to practice before this court and approved as a supervising lawyer for this program by the law school dean and by the judges of this court.

(b) Assume personal professional responsibility for conduct of the case, guidance of the law student intern, and for supervising the quality of the student’s work.

5. **Authority of Law Student Intern.**

The law student intern, supervised in accordance with these rules and consonant with the provisions of The Legal Intern Limited Practice Law of 1971, Miss. Code Ann. § 73-3-207 (1972), may:

(a) Appear as counsel in court or at other judicial proceedings when the written consents of the party and supervising lawyer, and the certification of the law school dean, herein above referred to have been filed, and the court has approved the law student intern’s request to appear; provided, however, that at all such appearances the supervising lawyer is required to be personally present in the court or other judicial proceeding.

(b) Under the general supervision of the supervising lawyer but outside of his personal presence, prepare and sign pleadings, motions, petitions, answers, briefs and other documents in connection with any matter in which the law student intern has been duly authorized to participate, but such documents must also be signed by the supervising lawyer.

ADOPTED the 12th day of February, 1976.
AMERICAN BAR ASSOCIATION STANDARDS 302 AND 305

Standard 302. Curriculum

(a) All students in a J.D. program shall receive:

(1) instruction in the substantive law, values and skills (including legal analysis and reasoning, legal research, problem solving and oral and written communication) generally regarded as necessary to effective and responsible participation in the legal profession; and

(2) substantial legal writing instruction, including at least one rigorous writing experience in the first year and at least one additional rigorous writing experience after the first year.

(b) A law school shall require all students in the J.D. degree program to receive instruction in the history, goals, structure, duties, values, and responsibilities of the legal profession and its members, including instruction in the Model Rules of Professional Conduct of the American Bar Association. A law school should involve members of the bench and bar in this instruction.

(c) A law school shall offer in its J.D. program:

(1) adequate opportunities to all students for instruction in professional skills; and

(2) live-client or other real-life practice experiences. This might be accomplished through clinics or externships. A law school need not offer this experience to all students.

(d) The educational program of a law school shall provide students with adequate opportunities for small group work through seminars, directed research, small classes, or collaborative work.

(e) A law school should encourage and provide opportunities for student participation in pro bono activities.

(f) A law school may offer a bar examination preparation course, but may not grant
credit for the course or require it as a condition for graduation.

Standard 305. Study Outside the Classroom

(a) A law school may grant credit toward the J.D. degree for courses or a program that permits or requires student participation in studies or activities away from or outside the law school or in a format that does not involve attendance at regularly scheduled class sessions.

(b) Credit granted shall be commensurate with the time and effort required and the anticipated quality of the educational experience of the student.

(c) Each student’s academic achievement shall be evaluated by a faculty member. For purposes of Standard 305 and its Interpretations, the term “faculty member” means a member of the full-time or part-time faculty. When appropriate a school may use faculty members from other law schools to supervise or assist in the supervision or review of a field placement program.

(d) The studies or activities shall be approved in advance and periodically reviewed following the school’s established procedures for approval of the curriculum.

(e) A field placement program shall include:

   (1) a clear statement of the goals and methods, and a demonstrated relationship between those goals and methods to the program in operation;
   (2) adequate instructional resources, including faculty teaching in and supervising the program who devote the requisite time and attention to satisfy program goals and are sufficiently available to students;
   (3) a clearly articulated method of evaluating each student’s academic performance involving both a faculty member and the field placement supervisor;
   (4) a method for selecting, training, evaluating, and communicating with field placement supervisors;
   (5) on-site visits by faculty member each academic term the program is
offered if the field placement program awards more than six academic credits (or equivalent) for fieldwork in any academic term;

(6) a requirement that students have successfully completed one academic year of study prior to participation in the field placement program;

(7) opportunities for student reflection on their field placement experience, through a seminar, regularly scheduled tutorials, or other means of guided reflection. Where a student can earn more than six academic credits (or equivalent) in the program for fieldwork, the seminar, tutorial, or other means of guided reflection must be provided contemporaneously.