April 18, 2014

Her Justice writes to express our strong opposition to the pending proposal to eliminate Interpretation 305-3 (the “paid externship” rule, currently part of the ABA Accreditation Standard 305) and to allow students enrolled in externships to receive both compensation and academic credit.

First, revoking the Interpretation may harm the quality of education afforded to law students by field placement courses.

Currently, field placements demand that field supervisors take on the role of teacher and mentor to the students. An employer, however, has the business incentive to minimize the amount of time spent educating its interns beyond the specific demands of their assigned tasks. Any time devoted to education reduces the net benefit of an intern’s work to the employer.

In contrast, Her Justice, a non-profit organization which provides free legal assistance to low income women in New York City, and many of our peer organizations in the non-profit sector, give the utmost priority to offering a positive learning opportunity to interns on field placements from their law schools. We strive to educate them on the substantive areas of law in which we work, in dealing with clients and in court procedures and preparation.

Second, non-profit organizations such as Her Justice may potentially be prejudiced by revoking the paid externship rule.

We rely on law students each semester to enhance the scope of our work for the thousands of clients who come to Her Justice seeking critical legal assistance. We fear that many law students will feel financial pressure to take a paid internship should this proposal be enacted, considering the significant debt they incur during law school. The financial incentive makes it less likely that students would opt for field placement clinics that do not offer pay.

In summary, we believe that such a change will harm both law students and field placement programs. We refer the ABA Council to comments submitted by the Clinical Legal Education Association opposing the revocation. We respectfully urge the Council to protect the educational value of field placement externships by maintaining the current rule prohibiting compensation when externship students also receive academic credit.

Respectfully submitted,

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Supervising Attorney