Dear Judge Oliver:

I’m writing to express Suffolk University Law School’s student body’s support of eliminating Interpretation 305-3, one that unnecessarily prohibits the ability of law students to seek compensation for externships in which they are also receiving credit and forces students to forgo educational and practical experience to afford an expensive legal education.

My name is Sammy Nabulsi and I am the President of the Suffolk University Law School Student Bar Association. On January 26, 2014, the Student Bar Association at Suffolk Law discussed and voted upon legislation to express student support for the elimination of Interpretation 305-3. The student body overwhelmingly voted in favor of showing support for 305-3’s elimination. Thereafter, I prepared a letter during the comment period on the original committee vote that brought the repeal of Interpretation 305-3 to this junction.

Interpretation 305-3 is outdated and fails to consider a key change in higher education that has evolved in the last decade: the skyrocketing price of legal education at a time when legal professionals are not earning the salaries they used to. The American Bar Association (“ABA”) reports that only 62.2 percent of the Class of 2013 is currently employed in attorney positions. The number is even smaller for graduates working in law firms with two or more attorneys: 39.6 percent. Faced with unprecedented levels of debt, grim job prospects in a flat hiring market, and decreasing salaries, a rule that forbids an opportunity to make extra money, gain practical legal experience, and broaden their legal educational horizon, simultaneously fails to accommodate an evolving legal marketplace.

This sentiment was best echoed by Professor David Yamada of Suffolk University Law School, quoted as saying in a recent Boston Globe article: “The unpaid internship is a big dose of salt into the wound of exorbitant tuition levels . . . Not only are you going to borrow a boatload of money [to pay for the externship credit], but you have to provide a good dose of free labor to be competitive for full-time employment.”

The opposition to this rule has been scant. The Society of American Law Teachers (“SALT”) has vigorously taken a stance against repealing Interpretation 305-3, and I would like to take some time to briefly respond to their arguments.

SALT contends that the experiential learning opportunities afforded by for-credit externships are so important and providing additional compensation for those programs would only undermine their educational value. This is an illogical conclusion. It’s important to note that repealing Interpretation 305-3 does not impose a requirement on for-credit externships to also provide compensation. It seems that their concern is that students will forgo experiential and educational learning experiences for other opportunities that pay. This is a legitimate concern assuming that there is an abundant
number of paying internships and clerkships available that are not providing valuable learning experiences. This is speculative and is in no way indicative of the facts on the ground. Paid internships will remain very scant and competitive, and there is no reason to believe that the quality of being paid for work will undervalue the experiential learning opportunities afforded. Firms are strapped for cash to train new graduates, so students who are currently in employment opportunities that afford them practical experience are setting students up for greater success. This practical experience intertwined with the educational experience is not jeopardized by compensation. Educational and practical experience must go hand-in-hand to prepare law students to become 20th century lawyers.

Additionally, SALT is concerned that students will forgo unpaid experiential learning opportunities for paid externships. This argument is easily turned against SALT’s misplaced belief: in fact, the situation will likely evolve to the contrary. In light of the high costs of education and grim job prospects, students are much more likely to forgo for-credit educational experiences because those positions are unpaid. A student faced with a decision to earn class credit for an internship or be compensated for work but not receive class credit will likely choose the option that allows them to meet their rent, food, and utility obligations.

Students pursuing externships should have the opportunity to receive compensation for their work if they are so fortunate. Students forfeit their time to broaden their education in pursuing these externships and allowing them to collect a nominal wage to offset gas prices and costs of living is not unreasonable.

I urge you and your fellow council members to strongly consider eliminating Interpretation 305-3. Thank you for your consideration.

Respectfully submitted on behalf of the student body at Suffolk University Law School,

Sammy Nabulsi
President
Student Bar Association