

LAW OFFICES OF THE FEDERAL PUBLIC DEFENDER
DISTRICT OF NEVADA

I. Overview:

The externship will last for one semester. Students will be provided with the opportunity to perform legal research, draft pleadings and legal memoranda, participate in team meetings as cases are prepared for trial or hearing, have limited, supervised contact with clients and appear before the court in some court proceedings as approved by this document, the Externship Director and field supervisor pursuant to Rule IA 10-5 of the Local Rules for the U.S. District of Nevada. The externship will include an academic component and general oversight by the Externship Director.

II. Description of Field Work:

1. **Trial Unit:** Work under the supervision of the Research & Writing Attorney and the assigned trial counsel researching pretrial motions, jury instructions, sentencing issues, drafting motions on constitutional issues involving primarily the Fourth, Fifth and Sixth Amendments to the U.S. Constitution, drafting Sentencing Memoranda. The extern will be invited to attend all team meetings with the paralegal, investigator and attorney on individual cases being prepared for trial and will have some limited, supervised client contact to gather factual information. The extern will accompany the investigator or paralegal in interviews of witnesses including expert witnesses. The extern will participate in any in-house training, bi-monthly training for federal defense lawyers and weekly case law update meetings of the trial attorneys. Limited opportunity will be available to appear in court for students certified under LR IA 10-5 and the student will attend court hearings including initial appearances (bail hearings), trials and evidentiary and sentencing hearings.
2. **Appellate Unit:** Work under the supervision of the Chief of the Appellate Unit and the assigned appellate counsel researching issues on appeal including both procedural and substantive issues. Draft sections of appellate briefs on defined issues. Review the trial record and draft Statements of Fact and Procedural History for inclusion in the brief. Participate in in-house training, bi-monthly training for federal defense lawyers and weekly case law update meetings of the trial attorneys. Participate in brainstorming of legal issues with trial and appellate counsel.
3. **Special Projects:** Externs, depending upon qualifications and interest, may participate in special projects that may arise. Examples of such projects include: survey of Nevada decisions on procedural default and drafting of arguments regarding lack of consistency; preparation of pleadings; interview of clients seeking habeas corpus relief due to indefinite detention by INS; development of “pattern and practice” of prosecutorial misconduct arguments based upon legal research and review of closed files and transcripts; development of selective prosecution arguments based upon legal research and review of district-wide charging practices. Special projects will be identified prior to the selection of the

student who is to work on the project and a specific supervisor within the office assigned (Chief, Capital Habeas Unit, Trial Unit, or Appellate Unit). Externs assigned to a special project will participate in any in-house training, bi-monthly training for federal defense lawyers and weekly case law update meetings of the trial attorneys.

III. Client Contact and Court Appearances:

All contact with clients will be supervised and the client will be advised of the fact that the extern is a law student and not a licensed attorney. Students will not be placed in a position where they will be asked for legal advice and will be given the opportunity to have interaction with the client to gather facts only.

Students, who become certified pursuant to LR IA 10-5, will be provided limited opportunities to make court appearances under supervision of the field supervising attorney, leave of court and the informed consent of the client. Such appearances may include status checks in petty offense/misdemeanor cases, examination of non-critical witnesses in evidentiary hearings on pretrial motions, trials or sentencing hearings. Externs will not conduct bail hearings or examine critical witnesses due to the risk to the client. In addition to the requirements of Professional Responsibility and Evidence (IV.(A)), students must have taken a course in Pretrial Litigation or attend special motion practice training offered by the Office of the Federal Defender or the Externship course component to argue motions under Rule 10-5. Students conducting witness examinations must have either completed a live client clinic or have completed or be concurrently enrolled in Trial Advocacy. The supervising attorney shall work with the student to prepare for any court appearance and review the student's court performance.

IV. General Requirements:

A. Eligible Students: Students must have completed at least 45 hours of academic course work, including all first year courses and Professional Responsibility. Students who wish to be certified under LR IA 10-5 must have completed or concurrently be enrolled in Evidence. Placement is subject to an interview and approval by the Office of the Federal Defender.

B. Credit and Grading: The externship will provide up to six credits in the fall, spring or summer semesters. Six credits require at least 264 hours of fieldwork, in addition to other course requirements. The Externship Director, with the consultation of the field supervisor, must approve the number of credits for each student. The schedule will be flexible but 20 hours per week of in-office fieldwork will be required in the fall and spring semesters. The hours must be performed during the academic semester in a manner agreed to by the student and field supervisor. Students will not be required to be on-site during the examination period.

C. Supervision: Supervision within the Office of the Federal Public Defender will be as outlined in §II above. The Externship Director will not provide direct case supervision of the externs due to potential conflicts of interest. Field Supervisors will confer with the Externship Director during the semester and participate in training as necessary.

D. Confidentiality: The extern will execute an agreement of confidentiality with regard to all privileged information learned during the course of the externship.

V. Academic Component

Class Meetings. The externs will attend all training sessions and/or lectures conducted by the Office of the Federal Defender. Externs also will attend weekly class meetings conducted by the Externship Director.

Journals. The externs will maintain a daily journal, which they will submit to the Externship Director. The log should include a description of the student's work, a record of the hours worked, and a discussion of substantive and procedural legal issues, professional responsibility issues, lawyering skills, and values as they arise in the context of the field work. Separate weekly timesheets are also required.

Work File. The externs will maintain a file of all work submitted to the field supervising attorney, which they will submit to the Externship Director. The Externship Director will protect confidential client information.

Paper. At the end of the externship, the externs will write a self-evaluation or other paper as directed by the Externship Director. The paper may not be used to satisfy the Advanced Legal Writing requirement. The length of the paper will be determined by the Externship Director depending on the credits to be awarded.

VI. Evaluation and Grading

This course shall be graded on a Pass-Fail basis.

The Field Supervising Attorney shall review written work and confer regularly with the student, the Externship Director and all attorneys who have worked with the student in order to evaluate the student's performance. A written evaluation shall be completed at mid-semester and at the end of the placement. The evaluations shall be provided to the Externship Director.

The student's grade shall be based upon the following: 1) regular conferences with the Field Supervising Attorney; 2) review of the student's daily logs and timesheets; 3) at least two conferences with the student during the placement; 4) at least one site visit; 5) a review of the written work in the student's work file; 6) a review of the student's paper; and 7) an evaluation of the student's performance in the classroom component of the externship.