

United States Attorney's Office

I. Overview. This semester-long externship will place students in the Criminal, Civil, and Appellate Divisions of the United States Attorney's Office. The externship will provide students with the opportunity to conduct legal research and draft memoranda, pleadings, trial and appellate briefs, and a variety of other legal documents; preparing cases for hearing or trial; and appear before the district court and court of appeals in limited court proceedings as approved by the Externship Director and field supervisor pursuant to the federal student practice rule. The externship will include an academic component and field oversight by the Externship Director.

II. Description of Field Work

A. Civil Division

1. Research substantive legal issues arising under the Federal Tort Claims Act, constitutional torts, employment discrimination (Title VII), environmental law (NEPA, Endangered Species Act, Clean Air Act, Clean Water Act), the False Claims Act and Bureau of Land Management matters;
2. Research procedural issues arising under the Federal Rules of Civil Procedure;
3. Assist working attorneys in preparing responsive and affirmative pleadings, including but limited to drafting complaints, answers, motions, briefs, and orders; and
4. Participate in depositions, and hearings before a U.S. Magistrate or District Court Judge, pursuant to Local Federal Rule 10-5-Student Practice (attached) and section III, below.

B. Criminal Division

1. Provide legal research and analysis for attorneys' use in responding to defense motions and pleadings in criminal trials and prisoner or probationer petitions, involving issues relating to such things as extradition, narcotics prosecutions, money laundering, telemarketing, and the death penalty;
2. Draft pleadings, memoranda of law, trial briefs, motions, proposed orders, stipulations, and indictments; and
3. Prepare cases for hearing or trial with the assistance of working attorneys, including interviewing witnesses and reviewing evidence.

C. Appellate Division

1. Provide legal research and analysis for attorneys' use in responding to appellate briefs primarily in the areas of Evidence, Federal Rules of Criminal Procedure, United States Sentencing Guidelines, and a variety of constitutional topics.
2. Draft appellate briefs, and motions and pleadings responding to post-conviction petitions filed by federal prisoners; and
3. Assist attorneys in preparing for oral arguments before courts of appeals, including the Ninth and Second Circuit Courts.

III. Court Appearances

A. District Court

All students certified under Federal Local Rule 10-5 (attached) may engage in the activities delineated in Local Federal District Court Rule 10-5 (e)(1) as well as Initial Appearances, as determined by the field supervisor; (a) Certified Students may participate in retention or bail hearings under supervision upon completion of training on this topic by the Office for the United States Attorney; (b) Students may conduct motion hearings under supervision if they have completed or are concurrently enrolled in Pretrial Litigation or motion practice training offered by the Office of the United States Attorney or the Externship course; (c) Students who have completed courses in Evidence and have completed either a live client clinic or have completed or are concurrently enrolled in Trial Advocacy may participate in the examination of witnesses under supervision in trials for petty offenses or misdemeanors with permission of the court. Students shall not have primary responsibility for conducting trials; (d) All certified students may second-chair and assist a supervisor in trial as permitted by the court.

B. Ninth Circuit

All students certified under Ninth Circuit Court Local Rule 83-4 (attached) may engage in the activities delineated in Local Ninth Circuit Court Rule 83-4.2.

IV. General Requirements

- A. **Eligibility and Prerequisites.** Students must have completed at least 45 hours of academic course work including all first year courses, Professional Responsibility. Immigration Law is strongly encouraged as a pre- or co-requisite. Student participation is subject to an interview and approval by the US Attorney's Office.
- B. **Credit hours.** This externship will provide up to seven credits. Each credit requires at least 46 hours of fieldwork in addition to other course requirements. The Externship Director must approve the number of credits for each student. Generally, these on-site hours are to 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.** An experienced Assistant US Attorney will supervise students. The Externship Director will not provide direct case supervision due to the potential for conflict of interest. Field supervisors will confer with the Externship Director during the semester and participate in training from time to time.
- D. **Security clearance.** Due to the sensitive nature of the cases handled by the District counsel's office, those selected for an extern position must receive clearance before commencing work as an extern. Such things as prior criminal arrests or convictions, drug or alcohol abuse, lack of United States citizenship or tax problems may disqualify an applicant. Security clearances may require up to eight weeks to complete.
- E. **Confidentiality.** The extern will execute an agreement of confidentiality with regard to all privileged information learned during the course of the externship.

V. The Academic Component

- A. **Class Meetings.** Externs will attend all training sessions and/or lectures conducted by the US Attorney's Office. Externs will also attend class meetings conducted by the Externship Director. Dates of classes to be announced. Students are required to check their email and/or the TWEN site daily for class announcements and other important information.
- B. **Writing Requirements.** The externs will maintain a weekly journal and timesheet, 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, profession responsibility issues, lawyering skills, and values as they arise in the context of the field work. Students are also required to submit at least two other memo assignments as instructed by the Externship Director.

VI. Evaluation

This course is graded on a Pass-Fail basis for field work.

- A. The field supervising attorney will evaluate each student's work by:
 - 1. Conferring regularly with the student and Externship Director throughout placement;
 - 2. Reviewing and observing the student's work and conducting feedback sessions with the student; and,

3. Evaluating the student's overall work performance at the end of the placement.
- B. The Externship Director will evaluate each student's work by:
1. Conferring regularly with the field supervisor;
 2. Reading and responding to the student's written assignments and weekly timesheets;
 3. Conducting at least one individual conference with the extern; and,
 4. Conducting on-site visits.