

Frequently Asked Questions (FAQ)

Vermont Law School's SEMESTER IN PRACTICE

1. What is the Semester in Practice?

The Semester in Practice (SiP) is a clinical program in which 4th or 5th semester JD students learn about the theory and practice of law through a fifteen week long semester spent immersed full-time in practice as an apprentice lawyer. This clinic provides an opportunity -- through observation, participation, practice, and reflection - both to improve their own legal knowledge and skills and to return to campus and, later to graduate to the practice of law, with an informed and expanded vision of what the practice and professional of law can be.

Students earn a total of 13 **CREDITS** in this clinic. 2 credits are graded credits earned for successful completion of the contemporaneous reflective course. These are classroom credits. 11 credits are “pass/fail” credits earned for successful completion of the SiP practicum component. These are not “classroom” credits. It is NOT possible to take the SiP for only 11 practicum credits.

When VLS first offered the Semester in Practice 24 years ago there were very few models available to us, so we wrote the book. The ABA, as part of the process of accreditation, has revised their standards on externships, in part to honor what VLS has done and does today. Never the less, students who enroll in a SiP are still pioneers. Only a handful of law schools offer full-time externships during an academic semester. Only a handful allow student to apprentice with mentor attorneys in private practice. Only a handful of schools, and a very small handful at that, allow students to apprentice away from their city in which their law school is based. VLS encourages all those things and more.

One of the qualities that separate our externships from those at other schools is that we do all we can to select individual mentors, rather than sending students more generically to a firm or agency.

2. Who may enroll?

Any 4th or 5th semester (and some instances 6th semester) JD and joint JD/Masters students may enroll. This course is also *open to visitors* from both our law school exchange partners, and visitors to VLS.

We have 3 requirements - capability, a minimum GPA, and thoughtful planning reflecting mature judgment. Regarding the first, capability, **we assume** that by the end of 3 complete semesters, **all VLS students are capable of doing solid and dependable legal work** (and many can do much more than that!). Whether for a part or a full-time practicum, the capability

requirement also means we look for students to be motivated, hardworking, flexible and enthusiastic. We ask this of students because we have found that students with these characteristics have the best chance for real success in the less highly structured format of a practicum off campus. To demonstrate your capability we ask students to submit a copy of their reference list. We follow up and talk both to your references and to other faculty and staff at VLS.

Regarding the second requirement, **students must have at least a 2.4 GPA**. If a student is hovering too close to academic probation, the risk that they will run into academic trouble after the semester is established is too great to take (and keep in mind that one can almost never get off probation with 11 credits graded pass/fail).

How important are grades? We are sometimes asked, “Why don’t you just enroll only the ‘best qualified students?’” Here at VLS, we believe that almost all students can benefit from a closely supervised practicum. In many instances students whose grades put them in the bottom half of the class are students who most need the opportunity to “shine” in practice in order to build their confidence in the classroom and help them become capable and employable advocates. We have also found that when supervisors have high expectations of students, student perform at a high level, even when they are in the bottom ½ of the class based on GPA.

In support of this approach, in the SiP we try not to include student transcripts when proposing a match to a mentor. We explain that we have screened the student for qualities we think will make for a successful match. Our screening includes talking with faculty, and particularly writing faculty, about what strengths and weaknesses a student will bring to the SiP. Of course many mentors, especially those with larger agencies or firms do ask for grades and if they do we always send them. It is helpful for students and mentors to know that often, once we get to know a particular mentor, we are often pleased to hear them say, “Just pick someone for us.” or, “We’ll take the student you recommend to us.”

In spite of our desire to match without using transcripts, students need to understand that 2 factors have a strong influence on our desire to make grades secondary to other qualities (such as writing ability, mature work ethic, a passion for learning, etc). One factor is the mentor’s stated desire for “better” students. Some sites (especially larger organizations) will not accept students with a GPA below 3.0. A second factor is our desire to make certain that each student is matched with a site where s/he can blossom and shine. We do not want to send students to place where they will be “in over their heads”. We ask each student to submit, in addition to their writing samples and reference list, a copy of their most recent grade report, and to provide updated copies as they become available.

As a third requirement, the SiP/ESW must be **part of a well thought out curricular plan**. Taking a full-semester out of the classroom is a significant step that should be undertaken only after thoughtful reflection and consultation with faculty advisors. We ask students to discuss their plans with an academic advisor (in addition to their career advisor). We will talk to your academic advisor (separately if s/he is not one of your references).

3. How do I get started?

There are a number of things you can do to be as well prepared as possible before meeting with Professor Cole.

- Read our basic materials. You can get a copy in Rogers House, from Career Services, or on-line (look for the TWEN page for Semester in Practice)
- Attend the informational session offered each semester or watch the video tape we make
- Do some thoughtful goal setting (we recommend the chapter on goal setting in "Learning From Practice" available on reserve in the library or for purchase in the book store)
- Discuss your plans with your academic advisor and the career services office
- Complete a request to enroll
- Meet with Professor Cole, SiP Director

4. Is enrollment limited?

“Yes and No.” VLS would like to offer this course to each interested student. There is, however, one significant qualification: The student **MUST** complete a *Request to Enroll* by the established deadlines.

That rule reflects two needs. One is that completing the *Request* is one indicator that the proposed practicum experience is part of a well thought out overall plan. The second is that VLS must plan for the following year. We must staff the SiP and offer appropriate classes for students here on campus. If we don't know who will be off campus we can't do either very well.

Here is how the deadlines work:

For each upcoming fall semester, the deadline is April 1.

That means if a student, over the summer, finds he or she wants to spend the fall semester in field work, it is **NOT** going to be possible through the SiP. (It may be possible through a JD internship).

For the upcoming spring semester, the deadline is September 30.

There is another important deadline – If a student wants a SiP outside the Montreal/DC corridor, (what we call a distant SiP) they must submit a *Request* by March 15th

This “distant” deadline applies to the **ENTIRE UPCOMING ACADEMIC YEAR**. If you are a student who wants to go to New Zealand in the spring of your second year you **MUST** submit a Request by March 15th of your first year of law school.

First year students often ask when they should first talk to Professor Cole. We think that it makes a great deal of sense to plan your remaining 4 semesters and 2 summers (and possibly 7th MSEL semester) before the April registration period at the end of the first year of law school. You don't have to stick to your plan, but if you don't make one you might easily miss important

opportunities. You should talk with your academic advisor about what courses to take, and the role experience can play in your preparation for work after graduation.

Planning for a SiP has 2 aspects. The first is the aspect of planning that allows you to schedule your on-campus experience with the assumption that you will take one semester off campus. The second aspect is thinking about where you would actually go for a SiP. That part of your planning can be deferred until at least the fall of your second year. After all, you may take some great classes and have some new insights about yourself and about your career between finishing your first semester and the fall you return to campus as a 2L. Do keep in mind that if you plan to do a "distant" (farther than the Montreal to Washington, DC corridor) SiP in the spring of your second year, then you must complete the Request to Enroll by March 15th, so you can keep that option open for yourself. It is perfectly OK if you answer some questions on the Request to Enroll form, with an "I don't know."

5. How many experiential credits can a student take?

It is not really simply a question of experiential credits. You need both 65 classroom credits to graduate and a total of 87 credits to graduate. VLS will not give you credit for more than 19 experiential credits toward your total of 87. Internal clinics (So Ro and ENRLC) give you classroom credits. The SiP/ESW and Judicial Externships give you 2 classroom credits (and 11 non classroom credits). Other examples of non-classroom credits include the law reviews, and independent research projects.

6. How does the **application process** work for a Semester in Practice?

- a. All interested students **must**, either attend a group introduction to field-based experiences (or view the videotape of same), **and** read VLS's academic regulations **and** this handout. The group introduction is ordinarily offered in January and in September. It is always announced on the official bulletin board, by way of posters put up around campus, and over e-mail. This requirement encourages efficiency (though we know it sometimes doesn't feel very user friendly) as it keeps faculty and staff from having to answer the same basic questions repeatedly.
- b. The student should then complete the questionnaire titled "*Request to-Enroll*", available at the SiP office in Rogers house or from the TWEN page created for Field based courses. (Complete it to the best of your ability. If you don't know what you want to accomplish, then just say so).
- c. Each student must meet with the director of the SiP. (Send the program administrator an e-mail to set up an appointment as she keeps Professor Cole's calendar). If you have not already given the SiP office a copy of your completed request before your first meeting with the director, please bring a copy of your working resume with you to the first meeting. It is not essential (though it is helpful) for student and director to meet in person before the March/April or September deadlines. What *is* **essential** is getting your completed *Request* into the office by the deadlines.

- d. The student should also meet with his or her faculty advisor (or the faculty member serving as advisor in fact). There are two purposes to this meeting: one is to give your advisor an opportunity to discuss with you the role of the SiP in the larger context of 6 semesters of law school; the second is to alert your faculty advisor to an opportunity to give the SiP Director information which will help me make the best possible match for you.
- e. Meet and talk with the director a second and as many subsequent times as necessary to establish a match satisfactory to us both. **Please remember that once you have been accepted into the SiP/ESW, barring unforeseen problems** (these “unexploded land mines” are things like prior convictions, or problems with alcohol), **we WILL make a match for you.**

Timing of the SiP match - Students sometimes worry that they will not be matched. In 24 years we have had only not matched 4 students and those were cases either where the student had not told us something that would make a match difficult or where the student wanted a position that required advanced training not available at VLS. (and these students knew that long before the semester began). So please understand that once you accepted into the course (we'll let you know that within 2 weeks of the deadline so by October 15 or April 15th) After you complete your *Request* and we have a serious matching meeting, student and director will generate a memo outlining what we expect will happen, and what we expect the timing of the process will be. If there are changes (and the matching process itself often generates changes as students learn more about various mentors and types of practice those changes will be incorporated into the matching memo. Some students are matching within 3 weeks of the initial meeting. Other students have a longer matching process. Each year some students do not know who their actual mentor will be until a month before the semester begins. Why might this happen? Sometimes students want to wait until they know what their summer job will teach them, so they can select a fall SiP that compliments their summer experience. Sometimes students prefer to wait until after their appellate advocacy class is well along to focus on the matching process. Sometimes mentors can't/don't focus on their needs for the upcoming semester until close to the time the semester begins. (See also 8 c below).

Once you are accepted into the course and we have agreed upon the place you will go you may proceed to sublet your apartment, etc.

The SiP/ESW office keeps the Registrar apprised of the list of interested students. By VLS rule, only once the SiP director sends the final letter confirming the match between student and mentor (with a copy to the Registrar) will the Registrar convert your preliminary registration to a final registration and withdraw you from the classes you pre-registered for in the preceding spring.

Is enrolling in the 6th semester an option?

Sometimes the requirements of a particular work site, e.g. a mentor requiring that a student complete a course in Evidence, mean that for all practical purposes students won't be able to match until their 3rd year. Also, if a student is interested in actually appearing in court, then the student practice rules of the jurisdiction where he or she wishes to appear will govern. For students in the class of 2010, a 6th semester SiP is not an option unless the student is part of

another course or program for which exceptions have been created. Those include the GPP, the joint program with Yale School of Forestry and our international joint degrees and certificate programs.

Here is a comment from a student about taking a practicum in the sixth semester:

In closing, I would caution a student to think strongly about doing a semester in practice during his or her last semester of school. In the middle of my SIP, I was suddenly faced with a Bar application deadline, the MPRE, an ethics paper, an extensive memo for the PSB, and several research projects at the PSB. It became very intense, and while you can juggle your workload if you are only taking classes, this luxury is no longer available once you have the responsibility of people depending on your work. It is tempting to think that your workload will be lighter because an SIP has no exams. This is not so. A SIP does not have exams because the workload is greater.

7. Where do students go?

Most students apprentice with mentors who work in the corridor that runs from Montreal, Quebec to Washington, D.C. From time to time students want to complete a SiP at a site farther from VLS than the Montreal/DC corridor. We strongly encourage students to set goals before they think about where they want to go, but we do provide a list of recent sites to give you an idea of the broad range of options available.

Remember too that VLS needs to balance the cost of allowing students to enroll in a distant SiP with our desire to accommodate your interests. That is one of the reasons we have a separate (and earlier) deadline for distant SiPs.

There are a number of things students can do to increase their chances to enroll in a “distant” SiP. The single most important thing students can do is to begin planning in the year BEFORE you want to enroll. This is important for a number of reasons. Remember that all matches, local or distant, are developed with a specific student in mind. This is particularly true for students considering a semester outside the U.S. It may take more time to find and approve a mentor from another country. As finances play a role in all this, it may also be possible to spread our travel dollars and time more effectively if students going to a distant site can coordinate their timing. As an example, if two students want to go to Alaska, it is more cost effective to have them go in the same semester. Talk to us.

8. How are students matched with mentors?

a) Who are SiP Mentors? Mentors are attorneys, experienced in their chosen area(s) of practice and respected within their legal community. A SiP field mentor may practice in one of many substantive specialties ranging from international law, to personal injury, to entertainment law, to criminal law to environmental law. Other mentors work in the private general practice of law, as generalists within a corporation, or in the legislative arena. Those established mentors with whom prior VLS students have studied are given first preference in student matching. In certain

situations, the student's academic goals cannot be met working with an established mentor. In that case, VLS, working with the student, will bring a new mentor into the SiP.

Successful mentors are interested in and capable of giving the thoughtful teaching and supervision a rigorous SiP demands. They are able to provide adequate physical space and secretarial support. They frequently have prior teaching and supervisory experience. They are experienced in practice. Above all, they enjoy their calling and want to share their enthusiasm and expertise with law students. Students pay a great deal for each semester of law school and VLS seeks mentors who are already experienced in practice, so that they may devote their energies to clients and to students. Lawyers who are still inexperienced must devote so much time to practice that they often are unable to provide significant guidance and advice to students.

In identifying a potential new mentor, we do our best to ascertain whether or not the individual has the qualities discussed above. On the phone or in person we talk with the potential mentor. We describe the program and our goals. If the potential mentor is interested in becoming part of the SiP, we sent program materials, including a Site Description to the mentor to complete. The mentor is encouraged to state the type of preparation he or she expects a student to have, and to fully describe the learning possibilities open to the student. We review the completed Site Description (in the event of any disagreement about whether a mentor would provide an appropriate match, an ad hoc faculty committee will review the Site Description). A copy of the Site Description is made available to each interested student.

We currently have more than 350 attorneys actively seeking students, so we add new mentors much more slowly than in the early years of the SiP.

b) Who would not be an appropriate mentor? We are looking for three things. First, we look for depth of experience and competence. Second, we are looking for a mentor who can provide a learning experience with a steep learning curve. A student may NOT ordinarily be matched with a mentor or field supervisor with whom the student has previously worked (for credit, for pay or as a volunteer). The only exception is for experiences that will be SIGNIFICANTLY different than the student has already enjoyed (e.g. the student has been interviewing clients and will now be appearing in court). Finally, we look for enthusiasm. We want mentors who have a real passion for their own work. We also look for mentors willing to make the kind of commitment to supervision that VLS requires.

c) How are students and SiP mentors matched? In a word — collegially. No one will dictate to the student where he or she must go. Through the interview process, working with the *Request to Participate* and information obtained from other faculty members and student-suggested references, we help the student articulate his or her post-graduation goals. In order to be best prepared to satisfy those goals, we will also discuss the range of learning that can occur in a field experience practicum. Once the student identifies the skills and substantive areas that will be the focus of the practicum, student and director move toward developing a potential match. We work together until we agree upon one potential mentor whom we wish to approach. The director then writes a letter to the selected mentor explaining why this particular student is appropriate for him or her. We include the student's resume and a writing sample, but do not always include a transcript. THE STUDENT DOES NOT CONTACT THE MENTOR DIRECTLY UNTIL

AFTER THE MATCH LETTER HAS BEEN SENT FROM VLS AND THE MENTOR AGREES TO INTERVIEW THE STUDENT.

Why do we avoid sending a transcript in the matching process? In choosing not to send a transcript, we are simply applying the Pygmalion Principle to legal education. The Pygmalion Principle states that people will do what is expected of them (remember “My Fair Lady”?). We find that when we have made a good match, mentors are delighted with the work done by their student, and write glowing recommendations. If however, mentors receive a transcript that shows the student is in the bottom half of the class, the supervisor’s expectations of the student are usually lower, and the student must work very hard to overcome those expectations.

Matches are made during the semester preceding the student's actual enrollment. **Timing of matches** can be a concern for students. Students need to know, however, that VLS has to take a number of factors into consideration, many of which suggest that it is optimal to make matches 10-4 weeks before the start of the semester. These factors include the fact that mentors may change employment, have health concerns, or find that their responsibilities change, making it difficult for them to take a student. Matches made many months in advance often have to be changed at the last minute.

For the Fall semester about $\frac{3}{4}$ of the students know where they will be going by the day of the first class/orientation (held the first day reading period in the spring). The last $\frac{1}{4}$ matches are made in May and June (and sometimes even later depending on the student’s interests and background). For the Spring semester about $\frac{3}{4}$ of the students know where they will be going by Thanksgiving and almost all will know by the day of the first class/orientation (held the first day reading period in the fall). These mentors are volunteers and we have little leverage with them. We can always get a ‘No’ answer from potential mentors. Sometimes it takes a long time to get the ‘Yes’ we want. Remember that in more than 1000 matches all but 4 students have found a match and those were students with very specific goals that did not match their backgrounds.

We do really understand that students want to know with whom they will be working as long in advance of the semester as possible. Students who enroll in the SiP should understand the fine line we walk with regard to timing of the matches, and stay as flexible as possible. Once a student is selected for the SiP, barring the unforeseen problems associated with “unexploded land mines” (the things in a student’s background that will keep students from getting a match at all, such as problems with alcohol abuse, plagiarism, etc), VLS commits to making a match for the student. The timing of the matching process can be nerve racking for students, but please remember that unless a student has a particularly challenging goal in seeking a match, or fails to tell VLS about something problematic in their background that makes it very difficult to confirm a match, we have a remarkably good record in making matches. If you must know by a certain date whether or not you have a particular mentor, then let us know that in the matching process. If you don’t think you can “wait it out”, then you should consider a mentor who is more established and can make an early decision.

Once the mentor reviews the student's supporting documents, a discussion or **interview** is set up between student and mentor. This is done face to face when possible, but a phone conversation may provide an acceptable substitute. During that discussion, both student and mentor have an

opportunity to discuss the upcoming semester and to make certain they will both feel comfortable working together. If both student and mentor agree to the match, VLS sends a letter of confirmation. If either party is not satisfied we will work with the student to make a new match.

9. What are **field mentor responsibilities**?

The field mentor is committed to providing a high quality experience for the student extern. To that end, the mentor:

1. Helps the student finalize the Semester's Curricular Plan.
2. Provides responsible, challenging assignments.
3. Discusses each assigned task with the student at the time of assignment, and sets learning objectives for each major task.
4. Permits exposure to the development of policy and tactics on assigned projects where feasible
5. Insures participation in all available activities including in-house meetings, client meetings, contact with opposing counsel, staff meetings, and bar association and other professional meetings.
6. Insures a supervisor's accessibility. (The mentor is not always the supervisor for each project.)
7. Minimizes assignment of routine work.
8. Provides or assures student receives extensive oral & written feedback on all major work.
9. Meets regularly to review student's progress and to discuss upcoming work.
10. Using the format provided by Vermont Law School, evaluates the student's performance.
11. Recommends Pass or Fail to VLS.
12. While the mentor may (and often does) assign the student to work with other supervisors, the primary responsibility (after the student's own responsibility) for the student's learning rests with the mentor. The process supervisor visits each semester and is always available as a resource to student and mentor.

10. What are **student responsibilities**?

All students must:

1. Participate in planning/orientation activities including a class "Learning From Practice". (Note that this usually is held in April for the Fall semester and December for the Spring semester as the first of the reflection classes).
2. Carry out a full-time, 15-week work commitment. This means that if you want to take another class during your SiP, you **MUST** obtain your process supervisor's permission and your field mentor's permission in advance.
3. No later than the end of your first week, working with your mentor, complete your individual Semester's Curricular Plan. Submit a copy of this plan to your process supervisor, keeping a copy of your original for use in subsequent evaluations. At 4, 8,

- and 12 weeks, return to the Curricular Plan, and, working with your mentor, review the progress made, revising goals and mechanisms as appropriate. Send these revisions to your process supervisor for discussion, etc.
4. Keep a Daily Journal of legal activities and personal reactions. Send copies of this journal every week to your process supervisor. This is confidential and will not be shared with your mentor or anyone else without your permission.
 5. Keep time sheets and send copies when journal entries are submitted.
 6. Attend 28 hours of seminar most of which is taught on-line. At 15 weeks, complete a final evaluation including a reflective paper including a new learning plan to cover the time remaining in law school, or the first year after graduation.
 7. Take responsibility for your own learning.

11. What are the responsibilities of the Director of the SiP?

1. Select students for the SiP and then arrange a match for each student actually selected for the SIP.
2. Initiate the process of reflective learning, by introducing individual curricular planning and adult learning theory. Support the process through journals and site visits.
3. Teach a two-credit reflective class.
4. Assure receipt of and evaluate (with help of process supervisor if different from director):
 - a) Semester's Curricular Plan;
 - b) Student's evaluations and relevant work products and journal entries;
 - c) Student's final report and final reflective paper including new Plan.
5. Review comments and evaluations received from students and mentors.
6. Assure that the program is publicized to the student body, that extraordinary mentors are brought into the program, and that mentors and students are given the preparation, training, and support necessary to maximize the learning potential of the semester.

12. What are the Process Supervisor's responsibilities?

1. Continue the process of reflective learning, by reinforcing individual curricular planning and adult learning theory both by attending the class, "Learning from Supervision", and then continue the process in tutorial meetings including through discussion of daily journal entries.
2. Stay in touch with the student using phone and email and visits to the work site, and be available to students and their mentors as frequently as necessary as the semester progresses. .
3. Evaluate mentor's performance as supervisors and teachers.
4. Provide SiP/ESW director with copies of all evaluations and relevant comments and then meet with director after close of semester to evaluate SiP/ESW process and discuss suggested improvements and changes.

13. How does a SiP/ESW differ from a J.D. Externship?

A J.D. Externship also provides students with an opportunity to learn in an experiential fashion. However, as the maximum time a student may commit *for credit* is 18 hours per week (for 6 credits), most students in J.D. Externships work on specific projects, as opposed to being immersed in the total work of a mentor. These projects are ones upon which the field supervisor will rely to complete his or her own work. The J.D. Externship student also generally works less independently than does a student who is at a work site full-time. JD Externship students frequently bring work back to the law school and work on it at VLS.

A part-time externship is more appropriate for a student who wants a taste of practice but still wants to focus primarily on the classroom. As J.D. Externship students must also take classes during the semester, distance from VLS is not usually an issue; they have to be close by. The field supervisor must be close enough for the process supervisor/ faculty sponsor to visit, especially should problems arise.

It should also be noted, that in a J.D. Externship, students take a more active role in identifying their own field supervisors.

14. May students take a break during the semester?

The ABA mandates semesters that are 15 weeks long. When you add in reading period, break, and exam period, our semesters here at VLS end about 17 weeks after the first day of classes. If, while enrolled in a SiP you want to take time off you must both 1) work out an acceptable time with your mentor and 2) make certain you still will be actually working in the practicum for 15 weeks. If you do both of these things there is no problem if you want to take a break during the semester. Most SiP students work through the semester without taking a break.

15. May students work during the semester?

Although students may not receive pay and credit for the same experience, students often need to work to help pay for law school. If you are work-study eligible, talk to the SiP director about possible work-study jobs you may take during the semester. If you plan to work scooping ice cream or as a consultant in your old job, make certain your work hours don't conflict with your full time (which often means a longer work day than 9 to 5) learning commitment. If you plan to work doing something even remotely legal you must make certain your mentor knows about your job and that any potential conflicts have been identified.

16. Is waiting until my last semester to enroll a good idea?

For most students beginning with the class of 2010, a 6th semester SiP is not an option (there are exceptions for students in the General Practice Program, the joint degree program with Yale School of Forestry and our international programs and certificate programs).

If you have the option to enroll in the your 6th semester, you should consider these arguments I see against waiting until your final semester.

First, you miss the opportunity to bring what you have learned in your practicum back into the classroom. Your experience also benefits students who have not had your experiences.

Second, a good recommendation from a practicum really helps in a job search. In fact, this is an argument in favor of enrolling in your fourth semester.

Third, if you discover that you don't like what you are doing in your practicum (for example, you decide you don't want to practice environmental law after all), it is harder to refocus when you have no semesters left in which you might take new classes, etc.).

For more information please talk to us.

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