

UNITING THE HEAD, HANDS, AND HEART: HOW SPECIALTY EXTERNSHIPS CAN COMBAT PUBLIC INTEREST DRIFT

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Many students come to law school because they want to use their law degrees “for good,” to help people, have an impact on society, or create social change. As has been extensively documented, these plans often dissipate at some point during their three years. Public interest drift, as this phenomenon is commonly referred, is a crisis caused by numerous factors. It requires a full-fledged, multi-faceted effort to push back against it. In this article, we propose the development of public interest specialty externship programs as one tool to combat drift. These programs offer students the ability to extern at a specific group of placements, unified not necessarily by practice type but by a central public interest theme, and to enroll in a corresponding seminar that explores such a theme in more depth in a classroom setting. Using two case studies from the University of Denver Sturm College of Law as examples, this article explores how specialty programs can work intentionally to maintain students’ commitment to using their law degrees to promote the public good, helping them rediscover their passions, and in turn, uniting their heads, hands, and hearts.

INTRODUCTION

“Public interest drift” summarizes a pressing problem that has existed in legal education and in our profession for generations. It speaks to the idea that students come to law school because of their desire to help people,² and then three years later,³ they leave with no

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² See, e.g., Richard L. Abel, *Choosing, Nurturing, Training, and Placing Public Interest Law Students*, 70 *FORDHAM L. REV.* 1563, 1566 (2002) (“[M]any students are attracted to law by a desire to serve their own conceptions of the public interest.”); Deborah Maranville, *Infusing Passion and Context into the Traditional Law Curriculum Through Experiential Learning*, 51 *J. LEGAL EDUC.* 51, 53 (2001) (“According to surveys, 20 to 40 percent of entering law students are motivated by the hope of engaging in public service.”); Janet Stidman Eveleth, *Where Has All the Passion Gone?*, 34 *MD. BAR J.* 2, 6 (2001) (suggesting many law students start law school with a passion about public service); but see Adrienne Stone, *The Public Interest and the Power of the Feminist Critique of Law School: Women’s*

plans to use their newly earned law degrees to do so.⁴

In this article, we examine the intersection between public interest drift and externships, and suggest that externships are well positioned to unite the head, hands, and heart to fight against the drift. We call for innovation in externship programming, asking that externship departments match the evolving view of public interest law and identify intentional ways to create community in an effort to combat public interest drift.

In Section I, we provide an overview of public interest drift and offer a brief summary of research confirming the existence of the phenomenon. In Section II, we identify some commonly cited reasons why the drift occurs. We pause to discuss how the notion of public interest has evolved and how it is currently viewed in a much more dynamic light.⁵ In Section III, we outline how externship departments can expand non-traditional externship placements and specifically develop specialized public interest externship programs as one way to combat against public interest drift.⁶ Using two specialty externship programs at Denver Law as case studies, we describe these programs and highlight key take-aways from their structure and substance. We also acknowledge the challenges that exist with establishing these programs. Finally, we conclude with a call for future research and literature on how externship departments can play a role in fighting against public interest drift.

I. THE HEAD: THE EXISTENCE OF PUBLIC INTEREST DRIFT

The idea captured by the term “public interest drift” is not new to

Empowerment of Legal Education and Its Implications for the Fate of Public Interest Commitment, 5 AM. U. J. GENDER SOC. POL’Y & L. 525, 529 (1997) (“It is perfectly possible that the preferences students express at the beginning of law school overstate their commitment to public interest law.”).

³ ALAN K. CHEN & SCOTT L. CUMMINGS, PUBLIC INTEREST LAWYERING: A CONTEMPORARY PERSPECTIVE 401 (2013) (citing DEBORAH KENN, LAWYERING FROM THE HEART 67–121 (2009) (suggesting that law school is, in fact, an impediment to law students becoming devoted to public service)).

⁴ See Lynn A. Addington & Jessica L. Waters, *Public Interest 101: Using the Law School Curriculum to Quell Public Interest Drift and Expand Students’ Public Interest Commitment*, 21 AM. U. J. GENDER SOC. POL’Y & L. 79, 83–88 (2012) (describing research on the existence of public interest drift generally).

⁵ Throughout the article, we will use the terms “public interest,” “social justice,” and “public good” interchangeably. We understand that each term may carry different meanings and associations for readers, but we use them interchangeably because the distinctions are less relevant for the topics and solutions discussed in this article.

⁶ As discussed later in the article, externship departments range greatly in law schools. This includes such departments run by faculty and/or staff. Because of this, we often use the word department or program when we are referring to externships, as we do not want to assume the title and role of the individual(s) overseeing the program.

legal scholars and professors.⁷ While students arrive at their first day of law school with various academic backgrounds and different subject areas of interest, many make the decision to attend law school, at least, purportedly,⁸ because of their desire to help people.⁹ Three years later, we see a graduating class of students ready to enter the legal profession, but with no plans to dedicate their career to the public good.¹⁰

⁷ This term is now commonly used and accepted in the legal academia. *See, e.g.*, Jessica L. Waters & Lynn A. Addington, *The Marshall-Brennan Effect: The Benefits of Teaching Constitutional Literacy for Law Students*, 90 *DENV. U. L. REV.* 901, 902–03 (2013) (“This ‘public interest drift’ phenomenon—law students’ declining interest in pursuing a public interest career between entry into law school and graduation from law school—has forced the legal community, and particularly law schools, to examine whether legal education plays a part in exacerbating public interest drift and, importantly, whether it could play a stronger role in quelling drift.”); Aliza B. Kaplan, *How to Build a Public Interest Lawyer (and Help All Law Students Along the Way)*, 15 *LOY. J. PUB. INT. L.* 153, 175 (2013) (“[The] ‘public interest drift’ is supported by data.”); Addington & Waters, *supra* note 4, at 81 (“Scholarly literature has coined the term ‘public interest drift’ to describe this observed phenomenon of law students’ declining interest in pursuing public interest careers between their entry into law school and graduation.”); Jenée Desmond-Harris, “Public Interest Drift” Revisited: Tracing the Sources of Social Change Commitment Among Black Harvard Law Students, 4 *HASTINGS RACE & POVERTY L.J.* 335, 344 (2007).

⁸ While the majority of data suggests that public interest drift is real, *see infra* note 10, some scholars anecdotally suggest that students overstate their commitment to public service coming into law school. *See, e.g.*, Stone, *supra* note 2, at 529 (“It is perfectly possible that the preferences students express at the beginning of law school overstate their commitment to public interest law.”); Todd A. Berger, *Jimmy Carter’s “Malaise” Speech, Social Desirability Bias, and the Yuppie Nuremberg Defense: The Real Reason Why Law Students Say They Want to Practice Public Interest Law, Yet So Few Actually Do*, *KAN. J.L. & PUB. POL’Y* 139, 146 (2012) (suggesting that public interest drift does not actually exist but rather law students overstate their interest in public interest law at the beginning of law school because “social desirability bias” leads them to say they want to help people with their law degrees). For example, Richard Kahlenberg describes that although he wrote in his application essay of his desire to “work within the law to make life a little more fair for people,” he admits:

But there was within me another voice, one from my adolescence, which somehow never found its way into my application essay. As a kid, I had wanted to be a lawyer primarily because my grandfather was one. Grandpa was distinguished, respected, esteemed, and successful—which is to say loaded. In applying to law school, I was not unaware that a Harvard Law degree could be parlayed into a great deal of wealth.

RICHARD D. KAHLBERG, *BROKEN CONTRACT: A MEMOIR OF HARVARD LAW SCHOOL* 3 (1992).

⁹ *See, e.g.*, ASS’N OF AM. LAW SCHOOLS, *HIGHLIGHTS FROM BEFORE THE JD: UNDERGRADUATE VIEWS ON LAW SCHOOL* 3 (2018), <https://www.aals.org/wp-content/uploads/2018/09/BJDRReportsHghlights.pdf> (“Aspiring undergraduates report public-spirited motivations as the top reasons for considering a JD, including seeing it as a pathway to a career in public service, being helpful to others, and advocating for social change.”); Abel, *supra* note 2, at 1566; Maranville, *supra* note 2, at 53; Eveleth, *supra* note 2, at 6.

¹⁰ *See, e.g.*, Desmond-Harris, *supra* note 7, at 344 (citing Craig Kubey, *Three Years of Adjustment: Where Your Ideals Go*, 6 *JURIS DR.* 34, 34 (1975)); ROBERT STOVER, *MAKING IT AND BREAKING IT: THE FATE OF PUBLIC INTEREST COMMITMENT DURING LAW SCHOOL* 5 (Howard S. Erlanger ed., 1989) (“I found considerable evidence that my class-

The change is often so visible that numerous professors have remarked on the difference three years of law school makes on students' expectations to pursue a public interest career. Judge Richard Posner—a full-time professor before becoming a judge—noted students arrive “full of idealism” but leave to depart “almost all of them, for large firms.”¹¹ Robert Solomon, clinical professor at Yale, made a similar observation:

[S]tudents do come to law school filled with passion, with morality, with a sense of justice, and we spend, the generic we, the law school itself, spends three years doing our best to crush them under the weight of the rule of law instead of helping them to integrate their ideas and values with the law.¹²

Bill Quigley, clinical professor at Loyola Law School, described the anomaly of students staying true to their original public interest path:

Those who practice social justice law are essentially swimming upstream while others are on their way down. Unless you are serious about your direction and the choices you make and the need for assistance, teamwork and renewal, you will likely grow tired and start floating along and end up going downstream with the rest.¹³

Research supports the existence of this departure from their original motivations for law students. In 1975, Craig Kubey collected some of the first data on the change in career expectations that students experienced while in law school.¹⁴ His research showed that many students arrived wanting to practice public interest law and left with no such plans: Kubey found that 37% of first-year students were motivated to be “movement,” “poverty,” or “public interest” lawyers after graduating;¹⁵ just one year later, only 22% of students of maintained

mates' view of the world, and of the legal world in particular, was altered in ways that diminished their desire to practice public interest law, by markedly changing their expectations concerning certain types of jobs.”); ROBERT GRANFIELD, *MAKING ELITE LAWYERS: VISION OF LAW AT HARVARD AND BEYOND* 147 (1992) (“As students progressed through law school, however, they increasingly gravitated toward large corporate-style law firms. One student commented that the typical wisdom is that everyone comes in saying they're interested in public interest and everyone leaves doing large firm corporate work. While less than half of first-year students anticipated entering, large, corporate law firms upon graduation, almost all of the third-year students expressed the desire to work in one of these firms.”).

¹¹ Richard Posner, *The Problematics of Moral and Legal Theory*, 111 HARV. L. REV. 1637, 1683 (1998).

¹² Robert A. Solomon, *Teaching Morality*, 40 CLEV. ST. L. REV. 508 (1992).

¹³ William P. Quigley, *Letter to a Law Student Interested in Social Justice*, 1 DEPAUL J. FOR SOC. JUST. 7, 10 (2007).

¹⁴ Desmond-Harris, *supra* note 7, at 4 (citing Kubey, *supra* note 10, at 34).

¹⁵ *Id.* (citing Kubey, *supra* note 10, at 34).

those same aspirations.¹⁶

Robert Stover conducted a study while a law student at the University of Denver Sturm College of Law regarding the career preferences and choices of his classmates.¹⁷ Polling students entering law school and again during their third year, Stover asked his peers what type of job they most desired after graduation.¹⁸ Of the students surveyed, 33% identified public interest jobs as their first choice at the beginning of law school. This statistic plummeted to 16% during their final year.¹⁹ Stover summarized the data he collected: “I found considerable evidence that my classmates’ view of the world, and of the legal world in particular, was altered in ways that diminished their desire to practice public interest law, by markedly changing their expectations concerning certain types of jobs.”²⁰

Research in the 1990s told the same story of students discouraged from pursuing public interest careers through their law school process. Robert Granville found that a change in career trajectory resulted for numerous students at Harvard Law School.²¹ Granville described that of the sampled students, more than half expected their initial job after law school to be in the public interest field.²² Instead, by their final year, “almost all of the third-year students expressed the desire to work in one of [the big] law firms.”²³ A 1994 study of female students at the University of Pennsylvania School of Law observed the percentage of female students planning to practice some area of public interest law drop from 22 to 25% of first-year students to 8 to 10% of third-year students.²⁴

Unfortunately, this phenomenon did not end with the turn of the century. Data collected by the National Association for Law Placement in the early 2000s also demonstrated that the phenomenon, which was often previously studied in terms of students’ changing interests or intentions, translated to a very small number of lawyers practicing public interest law once their legal careers begin.²⁵ In 2002, merely 4% of new lawyers worked in legal service/public defender po-

¹⁶ *Id.*

¹⁷ STOVER, *supra* note 10, at 5.

¹⁸ *Id.* at 3.

¹⁹ *Id.* at 3, 13.

²⁰ *Id.* at 15.

²¹ GRANFIELD, *supra* note 10, at 147.

²² *Id.*

²³ *Id.*

²⁴ LANI GUINIER, MICHELLE FINE & JANE BALIN, *BECOMING GENTLEMEN* 37–38, 40 (1997).

²⁵ See NAT’L ASS’N FOR LAW PLACEMENT, *CLASSES PRIOR TO 2010*, https://www.nalp.org/prior_classes (last visited Aug. 13, 2018) (listing data regarding recent graduates’ years only back to class of 1999).

sitions or in public interest jobs (with another 16.5% of new lawyers in government positions).²⁶ As of March 15, 2017, for the class of 2016, 52.9% of graduates went into private practice, while only 6.9% of students went to public interest organizations or public defender positions, and 11% joined other government positions (not including judicial clerkships).²⁷ While the percentage of public interest placements grew from 2002 to 2017, an encouraging fact, significant gaps still exist and we see much room for growth.

II. FAILING TO ENGAGE THE HANDS AND HEART: CAUSES OF THE DRIFT

Scholars have identified numerous reasons why the drift occurs. This section will examine briefly some of the traditional reasons put forth, including: the pay difference between public and private sector positions, which is compounded by law school debt; the law school curriculum; the prestige and training associated with private sector positions; and law school advising and the scarcity of public interest jobs.

A. Salary & Law School Debt

Perhaps the most obvious reason for the change in heart is the enormous earning potential difference between the public and private sectors. The overall median first-year salary for private law firm associates as of January 1, 2017 was \$135,000.²⁸ The 2018 National Association for Law Placement (NALP) report regarding public interest attorney salaries cites the median salary for entry-level lawyers in legal services as \$48,000; public defenders, \$58,300; local prosecuting attorneys, \$56,300; and lawyers in public interest organizations, \$50,300.²⁹ A ratio between private to public sector salaries that used to be 1.5:1 in the early 1970s,³⁰ is now over 2.5:1.³¹

²⁶ RONIT DINOVIETZ ET AL., *AFTER THE JD II: SECOND RESULTS FROM A NATIONAL STUDY OF LEGAL CAREERS* 27 (2009).

²⁷ JUDITH N. COLLINS, NAT'L ASS'N FOR LAW PLACEMENT, *EMPLOYMENT RATE INCREASES AFTER FLAT MARKET IN 2015*, at 1 (2017), <https://www.nalp.org/uploads/SelectedFindingsClassof2016.pdf>.

²⁸ NAT'L ASS'N FOR LAW PLACEMENT, *FINDINGS FROM THE 2017 ASSOCIATE SALARY SURVEY* (2017), <https://www.nalp.org/uploads/Research/AssociateSalarySurveyReportPressRelease.pdf>.

²⁹ NAT'L ASS'N FOR LAW PLACEMENT, *NEW PUBLIC SERVICE ATTORNEY SALARY FIGURES FROM NALP SHOW SLOW GROWTH SINCE 2004* (2018), https://www.nalp.org/uploads/PSASR_7-9-18_FINAL.pdf.

³⁰ Scott L. Cummings, *The Future of Public Interest Law*, 33 U. ARK. LITTLE ROCK L. REV. 355, 359 (2011).

³¹ To compute this number, we took the average of these various public interest placements from 2018 and compared the average, \$53,200, with the median salary for private law firm associates as of January 1, 2017.

This difference is especially pronounced for students leaving law school with massive amounts of debt.³² Equal Justice Works, NALP, and the Partnership for Public Service issued a report in 2002 titled, *From Paper Chase to Money Chase: Law School Debt Diverts Road to Public Service*.³³ The report described how from 1993 to 2000, law school debt increased by 59%.³⁴ The report found that of the 1,622 graduating law students who responded to the survey, 94% of respondents borrowed money to attend law school and 66% said that debt prevented the students from considering a public interest or government job.³⁵ The following year, the American Bar Association released a report, *Lifting the Debt Burden: Law Student Debt as a Barrier to Public Service*, which similarly chronicled law student debt as a barrier to public service.³⁶ The report described how public service salaries failed to keep pace with either the rising debt burdens from law school or the significantly larger private sector salaries.³⁷ And the immense debt has not lessened. The U.S. News and World Report recently charted the average indebtedness of 2016 graduates from 181 law schools.³⁸ The average indebtedness for students who incurred law school debt ranged per law school from \$53,000 to over \$198,000.³⁹ Seventy-six law schools reported that 80% or more of their students incurred debt.⁴⁰ To give an example of these numbers, at Harvard Law School, 73% of graduates left with an average debt of \$162,672.⁴¹

Richard Abel builds on this research by describing how increases in tuition, an increase in the number of students attending law school from poorer backgrounds, and the increase in loans rather than need-based scholarships produces “the common credo that ‘I’m just going

³² See Howard S. Erlanger et al., *Law Student Idealism and Job Choice: Some New Data on an Old Question*, 30 *LAW & SOC’Y REV.* 851, 858 (1996) (“Given the great disparity in salary between public interest work and many (although certainly not all) traditional law jobs, student debt may be a significant factor in choice of job.”).

³³ EQUAL JUSTICE WORKS, NAT’L ASS’N FOR LAW PLACEMENT & THE P’SHIP FOR PUB. SERV., *FROM PAPER CHASE TO MONEY CHASE: LAW SCHOOL DEBT DIVERTS ROAD TO PUBLIC SERVICE* (2002), <https://www.americanbar.org/content/dam/aba/migrated/marketresearch/PublicDocuments/lrapurvey.authcheckdam.pdf>.

³⁴ *Id.* at 13.

³⁵ *Id.* at 13–14, 19.

³⁶ AM. BAR ASS’N, *LIFTING THE DEBT BURDEN: LAW STUDENT DEBT AS A BARRIER TO PUBLIC SERVICE* (2003), <https://www.americanbar.org/content/dam/aba/migrated/marketresearch/PublicDocuments/lrapfinalreport.authcheckdam.pdf>.

³⁷ *Id.* at 10.

³⁸ *Which Law School Graduates Have the Most Debt?*, U.S. NEWS, <https://www.usnews.com/best-graduate-schools/top-law-schools/grad-debt-rankings> (last visited Oct. 8, 2018).

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

to the firm to pay off my debts.’”⁴² Despite good intentions, once lawyers become accustomed to the lifestyle of the private sector, it is often difficult to leave.⁴³ All of these factors described by Abel demonstrate that financial calculations play a significant role in the number of students who choose not to pursue public interest law.

B. Law School Curriculum

Another commonly cited reason students quickly lose their public interest careers plans relates to what happens within the walls of law school academically. The style and content of the legal curriculum has been cited as a cause of pushing students toward the private sector.⁴⁴ Traditional methods of teaching, including the heavy use of the case method, and the emphasis on doctrinal study over experiential learning,⁴⁵ has increasingly been seen with a more critical eye.⁴⁶ Critics describe this style as discouraging students from tapping into their moral considerations of the law.⁴⁷

⁴² Abel, *supra* note 2, at 1568 (“Because college and law school tuition have far outstripped inflation, a larger proportion of students come from poorer backgrounds, and loans have expanded while need-based scholarships have contracted, students graduate with a far greater debt burden, one that increased fifty percent in constant dollars just between 1982 and 1990. The combination of these factors produces the common credo that ‘I’m just going to the firm to pay off my debts.’”) (citation omitted).

⁴³ *Id.* (describing how “it is hard to escape such entanglements” after going to a firm because “[f]ew people find it attractive, or even possible, to take a salary cut of seventy-five percent or more in their thirties, just when they are assuming increased financial obligations for housing and children (or have simply become accustomed to material comforts)”).

⁴⁴ See, e.g., Subha Dhanaraj, *Making Lawyers Good People: Possibility or Pipedream?*, 28 *FORDHAM URB. L.J.* 2037, 2055 (2001) (“[T]raditional Langdellian method of legal education, developed by Dean Christopher Columbus Langdell of Harvard Law School, has caused the estrangement of morality from legal practice.”).

⁴⁵ A. Benjamin Spencer, *The Law School Critique in Historical Perspective*, 69 *WASH. & LEE L. REV.* 1949, 1973, 1975 (2012).

⁴⁶ See *id.* at 2024–38 (describing weaknesses of the case-dialogue method including the lack of connection between the case-method and the ability of students to engage in effective legal analysis, the difficulty of employing this method with a large group of students, the inefficiency of the method of transmitting substantive information or the full range of skills needed to be a successful lawyer, and the abstract, appellate litigation focus of the method); ROY STUCKEY ET AL., *BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROAD MAP* 98–104 (2007), http://www.cleaweb.org/Resources/Documents/best_practices-full.pdf (describing criticism of law schools’ overreliance on the Socratic dialogue and case method and calling on law schools to diversify their teaching methods); WILLIAM M. SULLIVAN ET AL., *THE CARNEGIE FOUND. FOR THE ADVANCEMENT OF TEACHING, EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW: SUMMARY 6* (2007) [hereinafter *CARNEGIE REPORT SUMMARY*].

⁴⁷ The summary of the influential report, *Educating Lawyers: Preparation for the Profession of Law* (commonly referred to as the “Carnegie Report”) describes the negative impact the case-dialogue process commonly used in law schools has on students’ passions for justice. *CARNEGIE REPORT SUMMARY*, *supra* note 46, at 6. (“Issues such as the social needs or matters of justice involved in cases do get attention in some case-dialogue class-

The often-cited expressions—learn to “think like a lawyer” and act like a “hired gun”⁴⁸—have been described as pushing students toward ignoring the morality of their future work, viewing the law as a merely objective, moral-lacking field. Scholars argue that we train students to be lawyers who are devoid of emotion, passion, morals, and who are open for hire for any client.⁴⁹ As Lawrence Krieger commented, to think like a lawyer means to be “fundamentally negative; it is critical, pessimistic, and depersonalizing.”⁵⁰ Thinking like a lawyer in this stereotypical way can have “moral and emotional repercussions,” as legal scholars Stuart Schiengold and Austin Sarat suggest.⁵¹ They argue that students learn to remove emotion and feelings from their work, causing many to consider “emotion and values . . . antithetical to legal thinking because they are represented as irredeemably subjective.”⁵² In short, learning “to think like a lawyer” often means learning to push aside passions and interests that would lead to

rooms, but these issues are almost always treated as addenda. Being told repeatedly that such matters fall, as they do, outside the precise and orderly ‘legal landscape,’ students often conclude that they are secondary to what really counts for success in law school—and in legal practice. In their all-consuming first year, students are told to set aside their desire for justice.”).

⁴⁸ See Joseph Allegretti, *Have Briefcase Will Travel: An Essay on the Lawyer as Hired Gun*, 24 CREIGHTON L. REV. 747, 749 (1990-1991) (“From the first day of law school, in class and out, in what is said and left unsaid, prospective lawyers are trained to see themselves as the hired guns of clients. They learn quickly that they must be ready to argue any side of any issue. Their personal values and beliefs are to play no role in how they do their job. They owe their clients uncompromising loyalty. If they have moral qualms about a client, or about the means needed to achieve a client’s goals, then they should refuse to take the case. But once they take a case they are in, all the way in, and the client has the right to expect them to do everything possible to win the case, subject only to the constraints of the law and the codes of the legal profession.”); see generally Michael I. Krauss, *The Lawyer As Limo: A Brief History of the Hired Gun*, 8 U. CHI. L. SCH. ROUNDTABLE 325, 334 (2001) (outlining the development of the concept of a lawyer as a “hired gun”).

⁴⁹ Harvard Law Professor Duncan Kennedy—while a student at Yale Law School—famously described how students learn to ignore questions of morality during law school:

[Students] are passive to start with; they want to please. After a while they tend to be deeply apologetic, to their fellow students as well as to the teacher, whenever they appear to be raising a really fundamental question about what is going on. Since nothing of any great interest is offered, students become eager to ‘get on with it’; the objective is to accumulate as many nuggets of pseudo-concrete ‘knowledge’, or rather as much knowledge of the teacher’s ‘views’ as is possible in the hour.

Duncan Kennedy, *How the Law School Fails: A Polemic*, YALE L. REV. L. & SOC. ACTION 14 (1971), <http://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1007&context=yrlsa>.

⁵⁰ Lawrence S. Krieger, *Institutional Denial About the Dark Side of Law School, and Fresh Empirical Guidance for Constructively Breaking the Silence*, 52 J. LEGAL EDUC. 117 (2002).

⁵¹ STUART A. SCHEINGOLD & AUSTIN SARAT, SOMETHING TO BELIEVE IN: POLITICS, PROFESSIONALISM, AND CAUSE LAWYERING 58 (2004).

⁵² *Id.* at 63, 75–77.

public interest careers.⁵³

Moreover, what students learn is often content that trains them to provide expensive private counsel,⁵⁴ not to address the “common legal problems of Americans.”⁵⁵ Legal issues facing middle and low-income families, those often in desperate need of legal assistance, have historically been glaringly absent from most law school courses.⁵⁶ Deborah Rhode suggests that the legal core curriculum fails to incorporate ethics, professional responsibility, and public service, and centers on discussions that are too far removed from real-life contexts.⁵⁷ Rhode argues that this failure in the curriculum sends a message to students about priorities, negatively affecting their interest in pursuing public interest careers.⁵⁸

C. Prestige and Private Sector Training

Another aspect that pulls students towards the private sector is the prestige of such jobs and the well-established path to obtain these jobs. From day one of law school, students learn to value hierarchies: the hierarchy of class rank, the hierarchy of law review, and the hierarchy of serving as a research assistant for high-profile professors. Part of that learned hierarchy is also the hierarchy of big law.⁵⁹ To continue with the quest of always proving oneself within the hierarchy, a position with a large firm is much higher in the hierarchy of prestige than a public interest position.⁶⁰ Given that the largest law firms tend to consider high grades, class rank, and law review membership⁶¹ as key

⁵³ See Deborah L. Rhode, *Legal Education: Professional Interests and Public Values*, 23 IND. L. REV. 34, 36 (2000) (“Law schools claim, above all else, to teach students how to ‘think like a lawyer.’ In fact, they often teach students how to think like a law professor, in a form distanced and detached from human contexts.”).

⁵⁴ Cf. Henry Rose, *Law Schools Should Be About Justice Too*, 40 CLEV. ST. L. REV. 443, 450–51 (1992) (describing the numerous changes that could be made to various core courses to better encompass the legal realities for traditionally underrepresented groups in our legal system).

⁵⁵ *Id.* at 444.

⁵⁶ *Id.* at 443–44; see also Stephen Wizner, *Can Law Schools Teach Students to Do Good? Legal Education and the Future of Legal Services for the Poor*, 3 N.Y. CITY L. REV. 259, 262 (2000).

⁵⁷ Deborah L. Rhode, *The Professional Responsibilities of Professors*, 51 J. LEGAL EDUC. 158, 165 (2001).

⁵⁸ *Id.* at 158–59.

⁵⁹ Addington & Waters, *supra* note 4, at 85 (“The competitive law school environment, fostered by law professors steeped in law firm culture and dominated by a curriculum that does not focus on the skill sets necessary for public interest law, teaches students to devalue a public interest career and to seek the hierarchy of law firm culture.”); see also Desmond-Harris, *supra* note 7, at 346 (citing Duncan Kennedy, *Legal Education and the Reproduction of Hierarchy*, 32 J. LEGAL EDUC. 591 (1982)).

⁶⁰ Addington & Waters, *supra* note 4, at 100.

⁶¹ See *Anonymous Recruitment Director Answers Your Email Questions (Part 1)*,

criteria in hiring decisions,⁶² law students often buy into the story that the best students go to work at the best firms and the best students deserve the highest paying positions.⁶³

Relatedly, many students believe that big firms provide better training than public interest placements, even though this has not been studied or proven to our knowledge. For example, on its website, Yale Law School addresses this concern in a question and answer about public interest careers. One of their nine questions asks: “But don’t big firms provide better training?”⁶⁴ This idea may stem from the fear, often unfounded,⁶⁵ that “overworked public interest lawyers do a poor job of preparing new recruits.”⁶⁶

D. Scarcity of Public Interest Jobs

Not only is the prestige of these firms appealing, but the ease with which students can apply for positions at private firms through fall on-campus interviews makes that path that much more enticing. Students often discuss the impact that law school internal advising and career offices have on pushing students toward private options.⁶⁷ For exam-

ABOVE THE L. (Apr. 30, 2014), <https://abovethelaw.com/2014/04/anonymous-recruitment-director-answers-your-email-questions-part-1/> (“A good match for my firm is an applicant from a top 15 law school with a position on a journal (preferably the main law review).”).

⁶² Bernard A. Burk, *What’s New About the New Normal: The Evolving Market for New Lawyers in the 21st Century*, 41 FLA. ST. U. L. REV. 541, 576–77 (2014) (“Law school prestige and grades or class standing have been for generations, and largely remain, the principal criteria of entry-level employability for all kinds of law jobs. Because of the long-standing and still widespread belief among law students that BigLaw offers rich compensation and stimulating, high-profile work, significant numbers of the most employable law graduates (that is, with credentials most likely to appeal to any prospective employer) have gravitated, and continue to gravitate, toward it.”).

⁶³ See CHEN & CUMMINGS, *supra* note 3, at 406–08 (describing how law schools “send explicit and implicit institutional messages that reinforces this status hierarchy [of corporate law]” which, in part, leads students to participate in a “feeding frenzy over the ‘best’ law firms”).

⁶⁴ *Fact v. Fiction Public Interest Careers*, YALE L. SCH., <https://law.yale.edu/student-life/career-development/students/career-guides-advice/fact-vs-fiction-public-interest-careers> (last visited Jan. 9, 2018).

⁶⁵ Philip Schrag suggests one reason for lawyers to choose a public interest career is that new lawyers at public interest organizations “receive outstanding mentoring.” Schrag describes how “mentoring in large law firms has become less available than it used to be” even though “large corporate law firms have long advertised mentoring as a reason to start one’s career in the private sector.” Philip Schrag, *Why Would Anyone Want to Be a Public Interest Lawyer?* 3 (Georgetown Public Law & Legal Theory Research Paper No. 10-52, 2010), https://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=1000&context=fac_lectures.

⁶⁶ Abel, *supra* note 2, at 1567.

⁶⁷ See Douglas Quenqua, *Lawyers with Lowest Pay Report More Happiness*, N.Y. TIMES (May 12, 2015, 2:42 PM), http://well.blogs.nytimes.com/2015/05/12/lawyers-with-lowest-pay-report-more-happiness/?_r=0 (describing how students with the intention to do public service, find themselves redirected by “the pressure to be hired by a big-name firm”

ple, nearly all law schools host “On Campus Interviews” (OCI), which present an opportunity for students to find both summer and permanent positions, but OCI employers tend to be almost entirely private firms.⁶⁸ While many law schools dedicate considerable faculty and staff resources specifically to encouraging students in the postgraduate clerkship or OCI application process, most schools do not offer the same intensity of career support for the public interest or social justice career search.⁶⁹ Public interest law students can “find themselves at the bottom of their institution’s hierarchy” with regard to resources and career assistance,⁷⁰ which may lead them to take the “default” path to the private sector.

To make private placements all the more attractive, the timeframe of these positions is much earlier, making public interest students nervous as they wait for the limited number of openings at public interest placements.⁷¹ Moreover, students may decide they want to find a public interest position, but may be unable to actually secure such a position.⁷² The existence of most public interest posi-

that is ingrained in law school culture); *see also* Louis S. Rulli, *Too Long Neglected: Expanding Curricular Support for Public Interest Lawyering*, 55 CLEV. ST. L. REV. 547, 548 (2007) (suggesting one factor contributing to students abandoning their plans to work in public interest options is that some law school career advisors push students towards private employment options, while marginalizing public interest options).

⁶⁸ While there is little quantitative research about trends in types of OCI employers, OCI is typically understood to be the path to a “big law” job. Anecdotal discussions of personal experiences with OCI report an emphasis on big law firms with few or no public interest employers participating. *See* Erwin Chemerinsky, *Creating a Law School that Emphasizes Public Interest Law*, 7 DEPAUL J. FOR SOC. JUST. 1, 2 (2013); Amy Kho, *A Life Outside Law School—The Secret to OCI*, Ms. JD (May 3, 2013), https://www.google.com/search?rlz=1C5CHFA_enUS731US731&ei=syd0W8OKJoLejgTCIL3IDw&q=Amy+Kho%2C+A+Life+Outside+Law+School%E2%80%94The+Secret+to+OCI%2C+MS.+JD%2C+May+3%2C+2013&gs_l=psy-ab.3...4923.4923.0.5283.1.1.0.0.0.109.109.0j1.1.0...0...1.2.64.psy-ab.0.0.0...0.BF1sLi02OTI.

⁶⁹ There are law schools—many of which incorporate public interest as part of their school’s identity—that do provide the same, or even more, institutional support for students looking to enter public interest careers. For example, New York University has a Public Interest Law Center, which “offers a wide variety of funding opportunities and career planning programs to students and alumni, resulting in the most comprehensive public service infrastructure of any law school in the nation.” *Public Interest Law Center*, N.Y.U. LAW, <http://www.law.nyu.edu/publicinterestlawcenter> (last visited May 5, 2018).

⁷⁰ Kaplan, *supra* note 7, at 155.

⁷¹ *Id.* (“Public interest students watch nervously as their classmates accept high-paying and secure law firm jobs early in their employment search, while they face an uncertain future competing for a handful of highly coveted public interest fellowships or for limited openings in public interest organizations which are unable to make hiring decisions with the same speed or certainty as private employers. As the hiring search drags on, public interest students feel increasingly isolated from their classmates as they pursue what seems like a risky employment strategy.”).

⁷² Cynthia Fuchs Epstein & Hella Winston, *The Salience of Gender in the Choice of Law Careers in the Public Interest*, 18 BUFF. J. GENDER L. & SOC. POL’Y 21, 24 (2010) (“As

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tions often depends on donations, and organizations typically have small staffs.⁷³ Government-funded jobs are always at risk of losing funding as well.⁷⁴ Christa McGill suggests that the biggest barrier to students obtaining public interest jobs is the lack of supply of such jobs, not the lack of demand.⁷⁵ McGill analyzed data from 2002 graduates at each law school who entered government and public interest jobs.⁷⁶ She found, “The most significant determinant of the proportion of students entering the public sector was the percentage of [government or public interest] jobs in the state in which the law school was located.”⁷⁷

E. Mis-Defining the Drift

Finally, some have argued that, in fact, the data have misrepresented public interest drift because the research too narrowly defines public interest practice.⁷⁸ Jessica Waters and Lynn Addington highlight how much of the early data on the drift define public interest law only to include “work in legal aid, as a public defender, or in a non-profit organization.”⁷⁹

We find Waters’ and Addington’s point astute; before we can discuss the best way to employ externships to fight against the drift, we need to understand how the concept of public interest lawyering has

a contextual issue, we would like to point out that not everyone who wants to work in the public interest sphere is able to secure the kind of work that they will find appealing and that conforms to their images of what a public interest career would look like. The ‘opportunity structure’ of the non-profit public interest bar is limited. Because public interest firms receive a large proportion of their funds from donations and foundation funding, their staffs tend to be small and the assurance of jobs is always problematic when recruiting seasons start at the law schools. This makes the competition for these jobs high.”).

⁷³ *Id.*

⁷⁴ For example, legal service positions often depend on available funding. Funding varies year-to-year according, in part, to levels of state government appropriations and grants from Legal Services Corporation (which receives appropriations from Congress). See *FY 2017 Budget Request*, LEGAL SERV. CORP., <https://www.lsc.gov/media-center/publications/fy-2017-budget-request> (last visited Sept. 27, 2018) (describing funding variations from 2007 to 2016, as well as listing the percent Legal Services Corporation’s funding constitutes for each state’s total funding for legal aid services); see also ABA RES. CTR. FOR ACCESS TO JUSTICE INITIATIVES, STATE LEGISLATIVE FUNDING FOR CIVIL LEGAL AID (2018), https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ATJReports/lsc_laaid_atj_legislative_funding.authcheckdam.pdf (listing the states that contribute to legal aid services through appropriations).

⁷⁵ Christa McGill, *Educational Debt and Law Student Failure to Enter Public Service Careers: Bringing Empirical Data to Bear*, 31 L. & SOC. INQUIRY 677, 677 (2006).

⁷⁶ *Id.* at 684 (not including judicial clerkships).

⁷⁷ *Id.* at 692.

⁷⁸ See Waters & Addington, *supra* note 7, at 910 (arguing that data regarding public interest drift actually misrepresent the reality because the research and literature too narrowly defined it).

⁷⁹ *Id.*

changed over time. Arguably, as the definition evolves, so too must legal education evolve, to ensure students are educated about the broad range of public interest possibilities and equipped to take them on.

How to define “public interest” law has always resulted in extensive discussion and disagreement.⁸⁰ Attempting to create a cohesive definition of public interest law started as soon as the field first began to develop, yet still no universally agreed-upon definition exists.⁸¹

The term “public interest lawyering” began in the 1960s, as lawyers began to use their skills to help protect the rights of marginalized groups.⁸² Many early definitions encompassed the most traditional sense of the phrase, focusing lawyering on behalf of those typically underrepresented in the legal system.⁸³ The term was famously defined in the 1970s as “activity that (1) is undertaken by an organization in the voluntary sector; (2) provides fuller representation of underrepresented interests (would produce external benefits if successful); and (3) involves the use of law instruments, primarily litigation.”⁸⁴ The idea of lawyering on behalf of those otherwise underrepresented is consistently discussed as part of a public interest law definition.⁸⁵ For example, the Council for Public Interest Law, a group of public interest firms in the 1970s defined public interest as “efforts to provide legal representation to previously unrepresented groups and interests. . . . Such groups and interests include the poor, environmentalists, consumers, racial and ethnic minorities, and others.”⁸⁶

Both conservatives and liberals began to challenge this concept of public interest lawyering over time.⁸⁷ Conservative lawyers challenged the idea that the liberal public interest lawyers’ goals were always in the best interest of the public. For example, the conservative public interest movement argued that environmental regulation—advocated for by liberal public interest lawyers—could affect the number of jobs

⁸⁰ See CHEN & CUMMINGS, *supra* note 3, at 3; see also Erlanger et al., *supra* note 32, at 853 (“‘Public interest law’ is susceptible to a variety of definitions.”).

⁸¹ See CHEN & CUMMINGS, *supra* note 3, at 3.

⁸² *Id.* at 7.

⁸³ See Erlanger et al., *supra* note 32, at 853.

⁸⁴ CHEN & CUMMINGS, *supra* note 3, at 6 (citing Burton A. Weisbrod, *Conceptual Perspective on the Public Interest: An Economic Analysis*, in PUBLIC INTEREST LAW: AN ECONOMIC AND INSTITUTIONAL ANALYSIS 22 (Burton A. Weisbrod et al. eds., 1978)).

⁸⁵ See Gordon Harrison & Sanford M. Jaffe, *Public Interest Law Firms: New Voices for New Constituencies*, 58 A.B.A. J. 459, 459 (1972).

⁸⁶ CHEN & CUMMINGS, *supra* note 3, at 13 (citing COUNCIL FOR PUB. INTEREST LAW, BALANCING THE SCALES OF JUSTICE: FINANCING PUBLIC INTEREST LAW IN AMERICA: A REPORT 6–7 (1976)).

⁸⁷ *Id.* at 6–7.

and low prices.⁸⁸ On the other side of the political spectrum, starting in the 1980s, liberals worked to expand the term of “public interest lawyering” beyond rights-based efforts. New types of lawyering emerged—community lawyering, rebellious lawyering, critical lawyering—that were all centered on the idea that rights-based efforts alone would not achieve the radical transformation those groups sought.⁸⁹ These efforts took a more critical eye to the traditional rights-based lawyering and the marginalizing effects that lawyer-led efforts can have on their clients.⁹⁰

In recent years, the concept of the role of the lawyer has continued to expand, again recasting how lawyers serve to advance the public good.⁹¹ For example, the concept of movement lawyering,⁹² which integrates lawyers serving on behalf of mobilized clients and using a myriad of advocacy tools,⁹³ has seen recent growth. Movement lawyering encompasses the idea that lawyers are but one tool to advance social movements, and are not the driving force behind such movements; instead, they support communities.⁹⁴

Public interest lawyers have increasingly viewed their roles as multi-issue advocates, and their end goals as much more than winning a case.⁹⁵ Many people with law degrees now enter positions that previously were unknown as possible employment paths. For example, lawyers now play crucial roles in community economic development enterprises,⁹⁶ which provide legal assistance to small businesses as a

⁸⁸ *Id.* at 7.

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ Alexi Nunn Freeman, *Teaching for Change: How the Legal Academy Can Prepare the Next Generation of Social Justice Movement Lawyers*, 59 *HOW. L.J.* 99, 122 (2015) (“In other words, students aspiring to be movement lawyers need clinical and externship opportunities that encourage students to engage in social justice lawyering with a wider analytical lens, to employ a range of skills, and to work in partnership with communities.”).

⁹² See, e.g., Scott L. Cummings, *Movement Lawyering*, 2017 *U. ILL. L. REV.* 1645 (2017); Alexi Nunn Freeman & Jim Freeman, *It’s About Power, Not Policy: Movement Lawyering for Large-Scale Social Change*, 23 *CLINICAL L. REV.* 147, 148 (2016).

⁹³ Cummings, *supra* note 92, at 1690 (“As a definitional matter, movement lawyering is the mobilization of law through deliberately planned and interconnected advocacy strategies, inside and outside of formal law-making spaces, by lawyers who are accountable to politically marginalized constituencies to build the power of those constituencies to produce and sustain democratic social change goals that they define”) (emphasis in original).

⁹⁴ See, e.g., Betty Hung, *Movement Lawyering as Rebellious Lawyering: Advocating with Humility, Love and Courage*, 23 *CLINICAL L. REV.* 663, 664 (2017); Jim Freeman, *Supporting Social Movements: A Brief Guide for Lawyers and Law Students*, 12 *HASTINGS RACE & POVERTY L.J.* 191, 192 (2015).

⁹⁵ See, e.g., Sameer M. Ashar, *Law Clinics and Collective Mobilization*, 14 *CLINICAL L. REV.* 355, 356–57 (2008) (describing the need to look at issues more fluidly).

⁹⁶ Ann Juergens & Diane Galatowitsch, *A Call to Cultivate the Public Interest: Beyond Pro Bono*, 51 *WASH. U. J.L. & POL’Y* 95, 113 (2016).

strategy to develop low-income communities.⁹⁷ Another area of growth has been in J.D. Advantage positions;⁹⁸ for example, some job descriptions for human resources persons seek people with knowledge of the Americans with Disabilities Act (ADA) and/or fair hiring practices.⁹⁹

Externships have not always kept up with this evolving definition of public interest lawyers. Externship positions in the public sector are sometimes limited to important, but more traditional positions—prosecutor, public defender, legal aid attorney—and do not always encompass the many ways a lawyer can serve the public good. For example, the field of movement or community lawyering is expanding, but the options to learn about this type of lawyering in law school is quite limited.¹⁰⁰ By failing to broaden students' exposure, we limit their ability to find the job that may ideally fit their passions, skills, and vision of how to best effect change. In combination with all the factors pushing students away from public interest lawyering, this failure may be just one more factor pushing them away from public service. If we are to adequately help fight against public interest drift, we must do so with our eyes open to this expanded view of public interest lawyering.

Undoubtedly, public interest drift cannot be attributed to just one factor, but rather to a combination of factors. Our response to public

⁹⁷ Susan R. Jones, *Promoting Social and Economic Justice Through Interdisciplinary Work in Transactional Law*, 14 WASH. U. J.L. & POL'Y (2004).

⁹⁸ See Lynae Tucker, *Put Your J.D. Advantage to Its Greatest Advantage*, A.B.A. (Jan. 1, 2017), <https://abaforlawstudents.com/2017/01/01/put-j-d-advantage-greatest-advantage/> (discussing possible J.D. Advantage jobs and citing that 15% of the 2014 class accepted a J.D. Advantage job).

⁹⁹ *Quasi-Legal or Law Related Jobs Can Jumpstart Your Legal Career*, BRYCE LEGAL (Dec. 17, 2015), <https://brycelegal.com/2013/10/interview-for-u-s-news-world-report-advance-a-law-related-career-without-passing-the-bar/>.

¹⁰⁰ There are a growing number of organizations dedicated to the community or movement lawyering model. See, e.g., *Our Team*, L. FOR BLACK LIVES, <http://www.law4blacklives.org/about-us> (last visited Aug. 14, 2018) ("Law For Black Lives is a Black femme-led national network of nearly 5,000 radical lawyers and legal workers committed to building a responsive legal infrastructure for movement organizations and cultivating a community of legal advocates trained in movement lawyering."); *Lawyers*, BERTHA FOUND., <http://berthafoundation.org/lawyers/> (last visited Aug. 14, 2018) ("Bertha Foundation supports field-building and collaboration between activists, storytellers and lawyers."); *Teaching Justice Webinar Series*, CLINICAL LEGAL EDUC. ASS'N, <http://cleaweb.org/page-1006700/6422668> (last visited Aug. 14, 2018) ("This series will explore the theory behind experiential faculty's decision-making processes during an intense political movement, asking the question, 'How do we show up as lawyers and teachers?' Presenters also hope to develop a shared vocabulary and a deeper understanding of what it means to be a lawyer, whether we consider ourselves movement lawyers, rebellious lawyers, or transformative lawyers."); *About Us*, MOVEMENT L./LAB, <https://www.movementlawlab.org/mission/> (last visited Aug. 14, 2018) ("Movement Law Lab is committed to building power in black and brown communities by incubating legal projects that combine law and community organizing to protect, defend, and embolden racial justice movements.").

interest drift therefore has to be multi-faceted as well. Innovative externships can combat issues stemming from traditional law school curriculum as well as work to minimize other factors, such as lack of public interest jobs, by opening students' eyes to other positions that are in the public interest. We view innovative externship programs as one tool, of many needed, to fight against the drift and ultimately lead to the creation of social justice advocates.

III. UNITING THE HANDS AND THE HEART: PUBLIC INTEREST SPECIALTY EXTERNSHIP PROGRAMS AS A STRATEGY TO COMBAT THE DRIFT

Given that the law school curriculum can be one reason for public interest drift, externships, particularly externships that expand beyond the most common placements and seminar formats, can play an important role in fighting against those influences and combatting the drift. Amidst calls to move away from the sole use of the Langdellian case-study method,¹⁰¹ which dominated legal education for most of the twentieth century,¹⁰² externships have grown to a point today where they are available in virtually every school.¹⁰³ The ABA has met this growth in externships with more robust standards,¹⁰⁴ which

¹⁰¹ See CARNEGIE REPORT SUMMARY, *supra* note 46, at 5 (discussing some of the limitations of the case-dialogue method, including the simplification of cases separate from everyday contexts); see also Edward Rubin, *What's Wrong with Langdell's Method, and What to Do About It*, 60 VAND. L. REV. 609, 612–13 (2007) (“The problem lies with Langdell’s substantive innovations—the case method, the so-called Socratic style of teaching, and the common law curriculum. . . . Unfortunately, the case method, Socratic teaching, and the common law curriculum were all seriously out-of-date by the time of their triumph.”).

¹⁰² J.P. Ogilvy & Robert F. Seibel, *Externship Demographics Redux* 4–5 (Catholic Univ. Am. Columbus Sch. of Law, Legal Studies Research Paper No. 2007-13, 2007); see also Peter A. Joy & Robert R. Kuehn, *The Evolution of ABA Standards for Clinical Faculty*, 75 TENN. L. REV. 183, 186 (2008) (“The emphasis on teaching legal doctrine and reasoning grew almost to the exclusion of experiential education.”).

¹⁰³ In a 1992-93 survey, 83% of responding schools had externships programs. Harriet N. Katz, *The Past and Future of Externship Scholarship*, 23 CLINICAL L. REV. 398, 404 (2016). By the early 2000s, nearly all schools responding to the survey had student opportunities to learn from fieldwork. *Id.* at 405. By 2012, nearly all schools responding to a survey indicated they have externship availability. J.P. “Sandy” Ogilvy & Sudeb Basu, *Externship Demographics Across Two Decades with Lessons for Future Surveys*, 19 CLINICAL L. REV. 1, 5 (2012) (describing a 2007-09 survey where all 190 schools surveyed reported they offer externships).

¹⁰⁴ The 2017-2018 ABA standards outlined numerous requirements for externships, or field placements. See ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS r. 304 (AM. BAR ASS’N 2017). The ABA requires the placements provide “substantial lawyering experience that (1) is reasonably similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks in a setting outside a law clinic under the supervision of a licensed attorney or an individual otherwise qualified to supervise, . . .” 304(c). The standards also require direct supervision of the student’s performance by a faculty member or site supervisor, 304(c)(i); opportunities for feedback and self-evaluation, 304(c)(ii); and evaluation and communication with the site

we see as an opportunity to continue expanding the use and type of externships. The ABA requires that the field placement be accompanied by an evaluation by a faculty member¹⁰⁵ and “a classroom instructional component, regularly scheduled tutorials, or other means of ongoing, contemporaneous, faculty-guided reflection.”¹⁰⁶ Externship seminars provide an important link in legal training and offer students a way to synthesize what they are experiencing, learning, and performing in a practice environment with the theory and reflection of an educational environment.¹⁰⁷ Based on theories of adult learning,¹⁰⁸ the pedagogy of externship seminars has become an area for discussion within the legal academy.¹⁰⁹ We engage in this ongoing dialogue to add how externship faculty can help combat against public interest drift.

While externship departments have long offered public interest placements,¹¹⁰ with some schools disallowing placements in the private sector altogether,¹¹¹ there is room to do much more to fight against public interest drift, and deepen students’ understanding of public interest and social justice practice and philosophy both in the field and in the classroom. We propose innovative public interest spe-

supervisor, 304(c)(iv). Finally, the ABA outlines that the field placement should be accompanied by an evaluation by a faculty member, 304(c)(vi), as well as “a classroom instructional component, regularly scheduled tutorials, or other means of ongoing, contemporaneous, faculty-guided reflection,” 304(c)(v).

¹⁰⁵ *Id.* at 304(c)(vi).

¹⁰⁶ *Id.* at 304(c)(v).

¹⁰⁷ Captain Brian K. Carr, *The Externship Experience: Teaching New Dogs New Tricks*, 79 J. KAN. B. ASS’N., Jan. 2010, at 17.

¹⁰⁸ Elizabeth G. Ford, *Toward a Clinical Pedagogy of Externship*, 22 CLINICAL L. REV. 113, 118–19 (2015) (citing Frank S. Bloch, *The Andragogical Basis of Clinical Legal Education*, 35 VAND. L. REV. 321, 330 (1982)).

¹⁰⁹ Elizabeth Ford suggests that throughout these differing theories, there are a few core principles to any externship pedagogy:

First, the design of an externship course must place the live experience at the center, whether that is as “text” for the course or as the site of learning. Second, externship students should be approached as adult learners, though the in-house clinical methodology should not be imported wholesale. Third, the skills of self-awareness and reflection should be central to the student’s learning. Fourth, externship courses should build students legal skills, particularly given the realities of the current job market. And finally, the development of externship courses should begin with clear learning goals; those goals should drive the student’s work at the placement and the structure of the classroom component; and there should be meaningful formative and summative assessment.

Id. at 121.

¹¹⁰ ROBERT R. KUEHN ET AL., CTR. FOR THE STUDY OF APPLIED LEGAL EDUC., THE 2016-17 SURVEY OF APPLIED LEGAL EDUCATION 10 (2017), http://www.csale.org/files/Report_on_2016-17_CSALE_Survey.pdf.

¹¹¹ *Id.* (“Of the restrictions schools place on the practice setting for field placements, most schools restricted law firms (85%) and in-house counsel at for-profit entities (50%).”).

cialty externship programs designed to expose students to a public interest field in more depth, actively engage practitioners in the classwork, and build intentional community with students and practitioners. We define public interest specialty externship programs as programs that offer students the ability to extern at a specific group of placements, unified not necessarily by practice type but by a central public interest theme, and to enroll in a corresponding seminar that explores such theme in more depth in a classroom setting.

At Denver Law, we have launched multiple public interest specialty externship programs. While not all of our public sector placements attach to a specialty program, the programs are evidence of our effort to use externships as a vehicle for actively promoting a culture that elevates public interest. In fact, while these programs have expanded, students' participation in public sector externships has simultaneously grown. While there are likely a range of factors that affect such participation, in the era of paid externships,¹¹² which tend to be in the private sector,¹¹³ we would not expect to see growth in the public sector. The impact of paid externships has not yet been fully assessed given its newness, but specialty programs are likely playing a role in bringing attention to public interest placements and public interest practice more broadly.

In this Section, we describe two public interest specialty externship models at Denver, analyze their contributions to combatting public interest drift, and explore challenges inherent to the models.

A. Case Studies

At Denver Law, our public interest specialty externship programs have generally employed two distinct models. Model 1 brings students together who extern at different sites and placement types, but whose work falls under one public interest theme. Model 2 launches externships akin to field clinics, with multiple students externing at the same placement, able to share confidentiality, but engaging in discrete work.

¹¹² In August 2016, the ABA repealed the ban on paid externships, allowing students to receive both pay and credit simultaneously. Denver Law has allowed paid externships since the fall semester of 2016. While each semester differs a bit, on average 20% to 30% of externships are paid.

¹¹³ Of note, the mission motivated private public interest firms or even plaintiff side firms in our area have not been the private sector placements that offer to pay externs. Thus, while technically private, they tend to not fall into this particular bucket.

1. *Model 1: Externs Grouped Via a Unifying Public Interest Theme, but Fieldwork is at Distinct Sites and Placement Types Vary*

Model 1 involves students externing at different sites across various placement types and coming together for a seminar focused on one central, unifying public interest theme. This model joins placements that may not traditionally be viewed as obviously similar, but if viewed through a larger lens, help to illuminate the common grounds of various issues. The grouping is purposeful and serves to expose students to more types of potential public interest work. A meaningful seminar component helps students learn to view public interest problems in a multi-faceted way, expand their view of the issues facing their clients, and expose them to many types of social justice lawyering, all while building community with each other and practitioners.

At Denver Law, we employ this model with the Racial, Social and Economic Justice Externship Program (RSEJ). A deep dive into the RSEJ program demonstrates the structure of this model and many of the unique benefits students experience when grouped in this way.

a. *Case Study: Racial, Social and Economic Justice Externship Program*

The Racial, Social and Economic Justice Externship Program at Denver is a specialty program that brings together students, lawyers, and a range of organizations and agencies that specifically address issues of racial, social, and economic justice within different practice settings and across different issue areas. The program introduces students to the world of social justice advocacy in the Denver area, expanding their understanding of where and how a social justice lawyer can work. It invites them into community together and into the social justice lawyering community more broadly.

Students work at a variety of nonprofits, government agencies, or private firms that pursue anti-discrimination work for a range of credits that works for their schedule and the placement's expectations.¹¹⁴ Once students secure their placements, they are required to enroll in a specific social justice themed one-credit accompanying seminar. Students are aware of this requirement when they apply, as the program

¹¹⁴ In the past placement options have included: ACLU of Colorado; the Civil Rights Education and Enforcement Center; the U.S. Department of Education: Office of Civil Rights; the Department of Housing and Urban Development: Office of Fair Housing and Equal Opportunity; the Equal Employment Opportunity Commission (judicial and legal units); and the private firms of Killmer, Lane & Newman; Lowrey Parady; Rathod Mohamedbhai; and Sweeney Bechtold. These placements are not exhaustive of the legal entities doing civil rights or social justice work in the Denver area.

is advertised as a package effort.

1. Supervisor Engagement

With this model, specific placements are invited to participate based on their line of work, history of thoughtful engagement with students, and capacity and willingness to engage more intentionally with the externs' seminar work as well as their fieldwork. After we secure host sites, students apply for a placement as they do with any other externship.¹¹⁵

We are very intentional with our placement selection for these sorts of programs, as the engagement of supervisors is crucial to the program's success. It is often difficult to ask much more of supervisors during externships, as they are working tirelessly in the field to teach and mentor students. With a specialty program, however, supervisors have to opt in. We can establish an understanding that they are not just offering to host an extern, but are signing up to be active participants in the student's classroom learning as well. To help the supervisors understand why such engagement is necessary, we speak to their hearts and heads, just as we do with our students. We specifically discuss our goals of helping to combat public interest drift and to create lifelong social change agents. Supervisors are eager to become partners in this effort as they are excited to mold the next generation and thus, inspired to participate more robustly.

Once the semester is underway, supervisors must engage with students in a few different ways beyond supervising their fieldwork. For example, students perform online reflection discussions, which often result in the students soliciting input from their supervisors. These online reflections can serve as a catalyst for more meaningful discussion between students and supervisors about what it really means to be a lawyer in this context or setting, help students broach topics that are relevant to social justice lawyering work with supervisors, and allow students to form relationships with supervisors, as they are able to get a glimpse one-on-one of how the attorney analyzes and views their work. Select supervisors also attend one class session each semester to do a deeper dive into their work setting, as discussed later in more depth. While this type of supervisor engagement can arguably be employed in any externship seminar, this more intensive engagement ensures students gain exposure not just to their field placements,

¹¹⁵ At Denver, students apply to externships like a job, including standard application materials that are sent directly to the placement supervisor. The externship department does not typically receive applications and never matches students. In this case, we receive the applications and distribute to placements for their consideration in an effort to cultivate the supervisor community.

but also to the other placements in the program, which is critical to the goals of the program and their understanding of their future role in the field. They gather insight into how a type of placement might run and specifically learn how the supervising attorney at each placement views their work.

2. *Seminar Design*

Within the broader program design, the seminar specifically serves two purposes. First, it seeks to help students understand themselves and their motivations, so that they can ensure this is work that they want to do, land in a placement that is best-suited for them, and ultimately become better advocates. Additionally, the seminar aims to elevate similarities and distinctions within social justice practice so that they can better understand the community they are joining. This opens students' eyes to other issues their clients might be facing, helping students understand that legal challenges and complex social change issues do not exist in silos. As this seminar is worth only one credit, exploration on substantive topics and the elements of practice is limited. Thus, the focus of the seminar is this premise—who are you, why are you here, and how can we help you find your “right” social justice match within an ever-changing field. Law students rarely have designated time to pause, reflect, and ensure they are remaining true to their identities, goals, and visions. Externship seminars fill a great void here, and this remains a hallmark of the public interest specialty externship program because such reflection and exploration matters tremendously for sustaining commitment.¹¹⁶

3. *Sample Class Sessions*

The seminar launches into the idea of professional identity on day one, albeit in a non-traditional format. For the first group session, the

¹¹⁶ For example, a study examining the correlation between students' clinical training experiences and commitment to pro bono service found that overall while there was not a correlation, for those students “who recall that they came into law hoping to improve society or help individuals—we find a strong relationship between clinical training experiences and public service employment. For this group of new lawyers, clinical training may have been an important factor in sustaining or accelerating their original civic commitments.” Rebecca Sandefur & Jeffrey Selbin, *The Clinic Effect*, 16 *CLINICAL L. REV.* 57, 102 (2009). Similarly, the importance of reflection is well documented in externships. We continue this thread in this seminar but target such reflection exercises on social justice topics. For example, students watch a TED Talk in which an advocate takes a direct action to help propel a change in law regarding women and driving. Students then are asked to consider who the Goliath is in this story and who the Goliath is in their placement. They are asked to define what it means to build power both in their placement and in this video. See Manal al-Sharif, *A Saudi Woman Who Dared to Drive*, TED TALK (June 2013), http://www.ted.com/talks/manal_al_sharif_a_saudi_woman_who_dared_to_drive.

students arrive to a classroom filled with crayons and paper on their desks. We discuss how acknowledging and reminding ourselves of how we came to social justice work in order to be self-aware and be the best advocates we can be is important. We discuss how being honest with ourselves, so we can figure out where we need to go and sustain our practice, can lead into a deeper understanding of our own professional identity.¹¹⁷ We discuss how rare it is for students to focus on that right side of the brain—that creative, artistic side—but that social justice lawyers always need to think outside of the box since the opposition inevitably has more resources. With that preface, we move into using our crayons: students are asked to share “their truths,”¹¹⁸ via a “pictorial journey.”

Social justice work is personal for the clients and communities served, and oftentimes for the lawyers as well. If students are to discuss these topics both tangibly, via experiences in placements, and intangibly, via theoretical and philosophical analyses, being open and comfortable with themselves and each other matters. This initial exercise helps students learn about the backgrounds of their classmates and sets a tone for the semester. It also sets the tone that the seminar is a space where you can be vulnerable, as people sometimes share vulnerabilities via this process. Even if done unconsciously, it is sometimes easier to share such vulnerabilities through a more creative outlet—something students typically run away from in traditional classes. This alone is important to combat the drift because allowing vulnerability ultimately leads to more productive conversations about ourselves as social justice agents. Ultimately, as students embark on the journey of the semester together, they have a greater understanding of themselves and each other through this. The greater camaraderie helps them understand that there is an intentional purpose behind this seminar.

¹¹⁷ See, e.g., Benjamin V. Madison, III & Larry O. Natt Gantt, II, *The Emperor Has No Clothes, but Does Anyone Really Care? How Law Schools Are Failing to Develop Students' Professional Identity and Practical Judgment*, 27 REGENT U. L. REV. 339, 345 (2015) (“Professional identity refers to the way that a lawyer integrates the intellectual, practical, and ethical aspects of being a lawyer and also integrates personal and professional values.”).

¹¹⁸ This exercise can be prefaced with the viewing of a five-minute TED Talk by Clint Smith, *The Danger of Silence*. In this short talk, Clint, a high school teacher and poet, mentions four core principles that he shares with his students at the beginning of a class. The fourth is to tell your truth. He goes on to tell his truth, in an effort to explain to students how important it is to speak up and not be silent when faced with injustice. See Clint Smith, *The Danger of Silence*, TED TALK (July 2014), https://www.ted.com/talks/clint_smith_the_danger_of_silence?language=en. Alternatively, former President Barack Obama's speech at the 2004 Democratic National Convention, in which he was introduced essentially to the world, is also a valuable launching pad. He uses that platform to tell his story amidst a political discussion. See Barack Obama, *Speech at 2004 Democratic National Convention*, YOUTUBE (Aug. 18, 2008), <https://www.youtube.com/watch?v=eWynt87PaJ0>.

Readings can help set the tone prior to this sort of exploration into professional identity. For example, Prof. Bill Quigley's famous, *Letter to a Law Student Interested in Social Justice*,¹¹⁹ as well as a blog post by Sam Killermann, who is a self-described "half-comedian, one-hundred-percent-metro social justice advocate who travels the country talking to students and writing articles about snap judgments, identity, and oppression . . . in a totally funny way,"¹²⁰ are valuable pre-class assignments. Both pieces set students up for honest reflection and analysis about social justice work and their role in it as lawyers, albeit in drastically different ways. Throughout the semester, returning to these readings as well as the individual pictures helps students remain connected to, and thinking about, their motivations and their professional identity within social justice.

The discussion on professional identity continues when the class explores one of the most traditional aspects of lawyering—the Rules of Professional Conduct. Students are asked to assess the rules and consider whether additional rules or comments that address social justice could and should be crafted. During one semester, students reviewed Rule 1.1 Competence, which states in part, "A lawyer shall provide competent representation to a client."¹²¹ When discussing what it meant to provide "competent" representation, a group of students wanted to expressly link this rule to another rule on pro bono.¹²² They wanted the standard of competence, which they defined in the pro bono context as social justice, to be a focal point for lawyers who will actually be engaging in work with marginalized communities or clients. Another group drafted a rule and corresponding comments that discuss privilege, bias, and power building, arguing that all members of the profession should be informed to concepts that challenge the legal structure as is and make us more conscientious of our roles vis-a-vis the communities we serve. Regardless of their work product, the students think about their moral compass versus the profession's ethical standards, and they consider whether the profession is truly dedicated to social justice by analyzing central rules and examining what may be missing.

The exercise forces students to consider if and how they would try and impact all lawyers versus just those dedicated to social justice work. The concept is something that some are more pessimistic about than others. Students discuss what could happen if multiple social jus-

¹¹⁹ Quigley, *supra* note 13, at 7.

¹²⁰ Sam Killermann, IT'S PRONOUNCED METROSEXUAL, <http://itspronouncedmetrosexual.com> (last visited Mar. 14, 2018).

¹²¹ COLO. R. PROF. CONDUCT 1.1 (2018).

¹²² *Id.* at r. 6.1.

tice lawyers pushed for inclusion of such concepts; it is then when even the most pessimistic realize that, while they may encounter challenges, energy grows and power develops when a passionate group advocates for change together. They see how such change can be external, focused towards the social justice issue, or internal, focused towards the profession. These types of topics are much harder to engage with in a doctrinal course without a field placement component or in a generalized externship seminar where students are employing different skills, in different placements, on different substantive areas of law, and maybe even across sectors. But in this specialty program, students are invigorated by each other's passion and intellect, and work together to assess their views on social justice with the profession's views.

The academic component of the program allows students to see how one can pursue social justice work in many ways and in many settings, but also shows them that the work looks and feels different in each of those settings. The students gain a basic exposure to those differences to best determine where they fit in the short- and long-terms, and see how these placements complement each other. While this theme is interwoven throughout the semester and is inherent in how both students and supervisors engage and respond to questions, we devote some time intentionally to examine this topic in a bit more depth. One tactic involves posing a question to both students and their supervisors. For example, students receive a prompt stating that they have a set amount of funding to support social justice advocacy and must make decisions on who and what to fund. Students reflect on their own and then engage with their supervisor on the same question.¹²³

¹²³ The prompt has been as follows: Suppose that you are a director of a large philanthropic foundation that was established to support different types of social justice/anti-discrimination organizations. You've decided to prioritize funding to groups that use lawyers to accomplish social change on behalf of undocumented immigrants. The following groups submitted grant proposals: 1) A nonprofit that seeks to hire lawyers to represent undocumented workers in class impact litigation cases seeking enforcement of classism for unpaid wages under federal/state law; 2) a large private law firm that wants funds to establish an in-house pro bono center focusing on the rights of undocumented immigrants and to train its associates to provide legal representation to undocumented immigrants in obtaining basic social services, such as education, housing, and health care from local governments; 3) a state governmental agency that wishes to increase the resources devoted to investigating and enforcing through lawyers wage claims on behalf of undocumented immigrant workers who perform labor for which their employers do not pay the promised compensation; 4) a small private law firm located in an urban area where many undocumented immigrants live that wants to create a specialized plaintiff side practice representing such immigrants in a wide variety of cases including immigration work, wage claims, civil rights, and family law matters, using a sliding scale fee structure that charges clients based on ability to pay; 5) a nonprofit workers' center that wants to organize undocumented immi-

Simultaneously, students receive various readings that discuss each of these placement settings—one focuses on the role of the government lawyer, one discusses private public interest firms, and two opinion-editorials question whether those who have identified as civil rights defenders, through work at nonprofits, can ever be in positions in which they are considered civil rights enforcers (at governmental entities).¹²⁴ The readings help students begin to understand the benefits and limitations of these areas of work, and cause them to question and analyze where they ultimately want to practice. For example, during class discussions, students are often impressed with the flexibility and autonomy a lawyer has in the private firm setting, and they are most unfamiliar with this setting as a way to do true social justice work. They also begin to see the distinction between enforcing civil rights laws as a government lawyer versus advocating on behalf of others whose civil rights have been violated. They grapple with whether they want to be inside players or outside agitators. These types of conversations are less possible in a more generalized seminar where there is no connection among placements, and they are nearly impossible if the placements were the same, e.g., all nonprofits. The social justice umbrella allows for a deeper thought process on the field and the students' identity within it.

At times, select supervisors join class to discuss their placement types. Rather than simply create a traditional panel discussion, in which we would ask questions about career paths or their work, the students and supervisors analyze a real life, modified social justice themed situation. While the discussion centers around a particular scenario, it evolves into a much broader discussion, as the attorneys go out of their way to share information about their practice setting and what it means to do social justice work there. The scenario is generally not necessarily in any one attorney's expertise. For example, during one semester, an immigrant justice lawyer, an employment civil rights lawyer, and a housing lawyer attended. The scenario focused on a les-

grants to protest and engage in other direct action tactics to draw negative publicity to employers who don't pay promised wages and public officials who don't take action to regulate such employers (lawyers would assist the center in legal matters arising from those actions). This hypothetical is a variation of a hypothetical presented in Alan Chen and Scott Cummings' book, *Public Interest Lawyering: A Contemporary Prospective*.

¹²⁴ See, e.g., Scott Cummings, *Privatizing Public Interest Law*, 25 GEO. J. LEGAL ETHICS 1 (2012); Patricia M. Wald, *Whose Public Interest Is It Anyway: Advice for Altruistic Young Lawyers*, 47 ME. L. REV. 3 (2018); *Dear Public Interest Lawyers: You Can Defend, but Not Enforce, Civil Rights*, DEEPA IYER (Mar. 7, 2014), <http://deepaiyer.com/2014/03/dear-public-interest-lawyers-you-can-defend-but-not-enforce-civil-rights/>; Sherrilyn A. Ifill, *The History of Attacks by the Right on Civil Rights Defenders*, THE ROOT (Mar. 7, 2014, 6:53 AM), <https://www.theroot.com/the-history-of-attacks-by-the-right-on-civil-rights-def-1790874864>.

bian couple that brought a lawsuit for getting sperm that was from a man of a different racial category than the couple had indicated preference for in the application.¹²⁵ The complaint and news stories shared many facts that brought up questions of race, sexual orientation, privilege, coalition work, and more.¹²⁶ Together, supervisors and students discussed approaches, solutions, questions, and barriers from the various placement perspectives.

Some of the most informative components of the conversation involve the different attorneys' perspectives, starting points, and questions. Students ascertain a variety of important observations from this exercise, namely: the impact of money on any discussion, the strategies around media engagement, when systemic issues came into play; who cares about coalition building; how to handle questions of intersectionality; and how the organization's status impacts the type of work taken on, how the work is done, and what is prioritized. After learning from and listening to fellow students about their placements throughout the semester, this particular discussion gives the students a small, but more in-depth glimpse of how various social justice lawyers tackle problems. It also helps them figure out where they want to be and whether a particular placement setting could ever be a good fit for them in the short- or long-term.

As a culminating assignment, during the last class session, students present a group project. Some choose partners in the same type of placement setting, others find similarities in issues, and others simply collaborate with friends. The prompt is purposefully broad and vague, asking students to present on anything that has been touched upon in class, in the readings, at placements, or in blog postings. Suggested topics are provided: differences among placements or practice settings and benefits and challenges of each, critical analysis of the placement (where is it falling short, what else could it do, etc.), discussion of a social problem that the placement focuses on, the professional identity of social justice lawyers, ethical challenges faced by social justice lawyers, and personal growth as advocates. Initially some students struggle with this prompt, while others welcome it as a breath of fresh air. Students recall the first class session when their pictorial journey assignment emphasized creativity and thinking outside of the box.

¹²⁵ The students and supervisors were only provided a modified version of the factual information presented in the complaint of *Cramblett v. Midwest Sperm Bank, LLC*, 230 F. Supp. 3d 865 (N.D. Ill. 2017).

¹²⁶ See, e.g., Meredith Rodriguez, *Lawsuit: Wrong Sperm Delivered to Lesbian Couple*, CHI. TRIB. (Oct. 1, 2014), <http://www.chicagotribune.com/news/local/breaking/ct-sperm-donor-lawsuit-met-20140930-story.html>.

Ultimately, the students' work demonstrates real enjoyment with the complete autonomy of the assignment. In past semesters, students created videos, interviewing attorneys and staff at placements to portray the passions and strategies exuded by the team, and developed "magazines," highlighting fierce female social justice advocates in a range of practice settings. Another group acted out a skit—pretending to be potential clients and lawyers, portraying different ways lawyers might engage depending on placement type. One student wrote and performed a rap.¹²⁷ Another group performed a puppet show and yet another group developed a mock board game, where players are forced to make decisions depending on where they work and whether they consider power dynamics, not just legal and policy wins, in their decisions. Presentations were entertaining and creative, and informative and reflective, speaking specifically to social justice lawyering. While an open-ended project can be a culminating assignment for any externship seminar, the cohesive format of the class, the existing relationships among the placements, and the nature of social justice lawyering made it a particularly fitting assignment. The students became each other's teammates and best fans, making such an assignment not only instructive, but also fun. While focused on individual professional identity throughout the semester, by the end, a community identity has formed: a community of students as well as a community of advocates (students and supervisors) driven to pursue social justice lawyering.¹²⁸

¹²⁷ An excerpt of the rap lyrics includes:

At the FHEO, the pace goes slow
And it's a mighty long wait, to get your Title VIII
Cause those claims are legion in our six state region
As landlords force a discrimination exacerbation
Constant fair housing abomination
But compensation awaits those who'll
Work within our 100-day rule
And hopefully we'll mitigate your consternation
With a \$20,000 conciliation
Cause whether the case is easy or hard
We'll draft determinations denser than Kierkegaard
As we're showing them redneck landlords the door
Through the Rehabilitation Act Section 504
Cause all in all, it'll always be our goal
To make our injured clients whole
But if as an agency, we want to lead
We're gonna have to get some things up to speed
Cause our office runs Windows '95 with old CD-ROMS
So could we get some more funding from Barry O-bombs.

¹²⁸ Model 1 can be used with different unifying public interest themes. For example, Denver also hosts the Child Advocacy Externship Program. Students extern at a range of child welfare organizations, including: local guardian ad litem working in private firms and

2. *Model 2: Multiple Externs Work at One Public-Interest Themed Placement*

The second model of public interest specialty externship programs at Denver Law entails multiple externs working at one public interest themed placement. In these programs, multiple students extern at the same placement and are able to share within the confines of confidentiality, but engage in discrete but related work. The students come together for a two-credit seminar that allows professors and students to dive deeply into a particular type of public interest lawyering. This model is more akin to what might be identified as a field clinic.¹²⁹ Essentially, students work at a particular law office while at the same time attending seminars taught by their supervising attorneys versus externship faculty members.¹³⁰ This format allows for shared confidentiality and coursework that is very specific and tailored to the placement's work and the student's fieldwork.

Denver's Holistic Juvenile Defense and Advocacy Externship program is one of these field clinics.¹³¹

nonprofits; human service divisions with city and county attorney offices; state agencies that deliver contracts to guardian ad litem and parent attorneys juvenile courts; and policy and advocacy nonprofits focused on children's issues. Students also enroll in a two-credit seminar that focuses on relevant substantive law and various models of child advocacy.

¹²⁹ The Easy Bay Community Law Center (EBCLC) has a similar model, albeit a bit distinct. EBCLC is a standalone nonprofit organization, but it was founded and continues to operate in intentional collaboration with the University of California, Berkeley, School of Law. Its mission is dual, in that it aims to provide legal services to low-income communities and provide training to law students. The students work offsite and the supervisors often have dual titles and roles as staff attorneys. See *About EBCLC*, EAST BAY COMMUNITY L. CTR., <https://ebclc.org/about/> (last visited Oct. 7, 2018). Columbia Law School's externship program also follows a similar model: "An externship is a two-part class that focuses on a specific area of law or a specific legal institution: a substantive seminar that meets (usually) for two hours each week; and a field experience at a public interest organization or government office, which is closely related to the seminar, for 10-15 hours per week. . . . The seminars are taught by adjunct professors who are leading practicing attorneys or judges, and the field placements are usually at their workplace, where externs are supervised by the adjuncts and/or their colleagues. See *Externship FAQs*, COLUM. L. SCH., <http://www.law.columbia.edu/clinics/externships/externship-faqs> (last visited Mar. 18, 2018); see also *Externships*, COLUM. L. SCH., <http://www.law.columbia.edu/experiential/externships> (last visited Mar. 18, 2018) (sharing the list of placements for Spring 2018, which demonstrates this model).

¹³⁰ See, e.g., *Field Clinics*, CARDOZO L. SCH., <https://cardozo.yu.edu/clinics-professional-skills/field-clinics> (last visited Mar. 18, 2018).

¹³¹ Due to staffing challenges at the Colorado Juvenile Defender Center, unfortunately, this program is on hold and it ran employing this model for two semesters. Students enrolled for a third semester, but capacity challenges forced students to change placements and thus the model was not implemented in the same way during that final semester. Should the capacity of CJDC change or should a new legal partner be identified, Denver would be eager to run the program again.

a. *Case Study: Denver's Holistic Juvenile Defense and Advocacy Externship*

Denver's Holistic Juvenile Defense and Advocacy Externship program is an example of how both the tangible work offered to students and the type of supervisor overseeing the fieldwork can expand by having multiple externs working at one placement, which in this case, means at the intersection of one lawyer and one grassroots partner. Because of its unique collaboration with a grassroots organization, the program expands students' understanding of how a lawyer can contribute to local advocacy campaigns, thus opening an additional path within public interest lawyering.¹³²

Specifically, this program places several externs for one semester in positions wherein students learn both courtroom advocacy skills as well as how to apply legal education to non-litigation-based legal work. Students earn externship credit for their work with Padres y Jóvenes Unidos (PJU)—a nationally recognized grassroots organizing group based in Denver—as well as their partner legal organization, the Colorado Juvenile Defender Center (CJDC). The idea of holistic juvenile defense is well established and support for this concept is growing.¹³³ This program teaches and promotes that model, particularly in how it discusses juvenile justice issues within the school-to-prison pipeline frame.¹³⁴ However, holistic defense can still be a litigation centered style of lawyering, and thus, a central goal of this pro-

¹³² This particular specialty program exposes students to the challenges and dynamics of working with organizers. It helps expand their thinking about what a lawyer can do and who a lawyer can support within the public interest and social justice fields. We push the traditional notion of most legal externships, and still ensure high-quality supervision from a lawyer when needed. We demonstrate the value of community organizers in the pursuit of change and the idea that lawyers can—and should—learn from non-lawyers. We show the potential of a lawyer's impact by working in partnership with such an organization, even when there are no plans for litigation or even legislative advocacy. By allowing for this arrangement and supporting students' physical presence at the grassroots organization without lawyers present, as described later, we provide legitimacy to this model of public interest lawyering.

¹³³ See Robin Steinberg, *Heeding Gideon's Call in the Twenty-First Century: Holistic Defense and the New Public Defense Paradigm*, 70 WASH. & LEE L. REV. 961, 1009 (2013) (“As The Bronx Defenders grew and became a nationally recognized practitioner of holistic defense, we began receiving requests from public defenders all over the country to give lectures, train their staff, and help them become like The Bronx Defenders.”).

¹³⁴ Holistic defense, as pioneered by Bronx Defenders, offers broader advocacy by coupling “aggressive legal advocacy with a broader recognition that for most poor people arrested and charged with a crime, the criminal case is not the only issue with which they struggle. Holistic advocacy addresses the representation and the collateral consequences and other penalties of court involvement.” *Holistic Defense, Defined*, THE BRONX DEFENDERS, <https://www.bronxdefenders.org/holistic-defense/> (last visited May 3, 2018). In the school-to-prison pipeline context, the connection between education and juvenile justice offers more robust support, and work completed by organizers and lawyers provides multiple levels of advocacy.

gram is to look holistically at how lawyers and externs specifically can lend their expertise and support to youth in non-traditional ways, and then, who they can partner with—beyond lawyers—to do such work effectively.¹³⁵

1. Supervisor Engagement

To help achieve that goal, CJDC oversees the program in the field as a whole and provides supervision for all legal work (including working with clients on municipal court representation, researching legal questions, and drafting legislation), but students also extern directly with PJU under community organizer supervision.¹³⁶ At PJU, they support community education around students' rights, connect students and families to resources or community advocates offering disciplinary hearing representation, and assist community advocates offering this representation in appropriate circumstances. They also participate in youth organizing meetings, strategic campaign planning sessions, and lobbying visits. With the opportunity for externs to earn credit for "other lawyering tasks," as mentioned in ABA standard 304 governing field placements, these tasks are eligible for students' hours.

To help ensure students understand the partnership and the nature of supporting organizers and individuals without forming a lawyer-client relationship, the students are required to be present physically at both PJU and CJDC, and are not able to opt into more "legal work" instead of the related advocacy work with PJU. Students spend equal time at PJU and CJDC in an effort to ensure that they understand that the organizations are equal partners in their quest for youth justice. While the approved legal supervisor at CJDC serves as the students' main evaluator, the organizers provide feedback to the students, oversee specific projects, and share feedback with our team as well on their performance and engagement.

As the program was developed, CJDC lawyers and PJU organizers took ownership of the program and were both instrumental in creating the format and designing the structure and projects. This shared ownership was intentional. It set a tone of lawyer and organizer as partners, rather than the lawyer as a dominating force in a more traditional lawyer-client relationship.¹³⁷ Both in the classroom

¹³⁵ Steinberg, *supra* note 133, at 987–90 (discussing how holistic representation includes a variety of legal and non-legal advocates, including criminal attorneys, family attorneys, housing attorneys, immigration attorneys, social workers, community organizers, and parent advocates).

¹³⁶ As described above, CJDC is currently not participating in this program due to staffing shortages. However, we use the present tense in this article for consistency and because we hope to continue this program at Denver as soon as possible.

¹³⁷ Freeman & Freeman, *supra* note 92, at 150–51 (discussing how lawyers can take on a

and the field, externs begin to understand additional ways lawyers can provide tangible support, the different relationship and power structures that can exist between lawyer, organizer, and individuals and groups in need of support.

Of course, this model is not without its challenges given the shared supervision, and unusual definition of “one” placement. Supervising a cadre of externs takes time from lawyers and non-legal supervisors, and capacity questions arise for nonprofit supervisors often in particular, let alone community organizers who are always stretched thin.¹³⁸ Coordinating student and supervisor schedules among two organizations, and arranging team taught classes can similarly involve extensive supervisor time and to a lesser extent, externship faculty and/or staff time. Such coordination can also prove administratively difficult. Externs may also not initially be enthusiastic about this model and most will experience a sharp learning curve. While students obviously self-selected into the program and went through an application process involving both organizations prior to beginning the semester’s work—and externship faculty set appropriate expectations as to what work the students would be doing and where—engaging in the actual work feels different. Transitioning into the mindset of lawyer as partner versus a lawyer-client relationship can be difficult, especially when engaging directly with organizers. It is an often-unfamiliar relationship that takes time to perfect. Experienced lawyers still struggle with striking the right balance of providing expertise, but still taking the lead from the community. Ensuring you do not trample community priorities, but still add value when you are not doing a task you are as familiar with is incredibly difficult, and our students get a glimpse of this.

2. *Seminar Design*

All externs in this program enroll in a two-credit specialty seminar taught by CJDC lawyers as adjunct professors and involving PJU as teachers as well as other lawyers and advocates who regularly partner with grassroots organizations. This seminar contextualizes this type of work—the need for it, how lawyers can specifically enhance it, the tone lawyers may need to support appropriately, how it works vis-a-vis more traditional legal strategies, and why and how it relates to

non-traditional role of partner, instead of litigator or policy maker, and work alongside community organizers and clients to formulate change).

¹³⁸ See generally William P. Quigley, *Reflections of Community Organizers: Lawyering for Empowerment of Community Organizations*, 21 OHIO N.U. L. REV. 455 (1994) (interviewing several community organizers about the complexities and hardship of their work and how lawyers have contributed).

lawyering in general. Because the model requires all students to work with the same two organizations, some of the benefits of in-house clinical work can occur as well in the classroom.¹³⁹ For example, the seminar allows for traditional case rounds, as confidentiality is not a concern, and allows students to pose questions about the work, the model, or the relationship with specificity.

3. *Sample Class Sessions*

From day one of the semester, holistic defense is woven throughout the class. Students, some entirely new to the concept, are introduced to the famed model by learning about the Bronx Defenders.¹⁴⁰ This introduction to the model serves to explain why this model has been promoted and what benefits it can produce. At least three sessions are specifically devoted to distinguishing how juvenile representation through a holistic model differs from more traditional representation. The class then localizes this information, discussing the roles in juvenile court, holistic practices, and juvenile justice with practitioners from Colorado. For one assignment, the students write a reflection paper on how an individual lawyer and defender agency can work more holistically. They synthesize and apply this information, reviewing cases but doing so in a way that aligns with this model versus only producing a winning legal argument.

Balancing this while also being cognizant of the role of organizing partners means that students consider many different factors when representing youth. This makes for a complex relationship, one that requires intentionality and transparency with clients and communities. Navigating that while still representing the youth using a traditional legal tool like litigation becomes a major point of dialogue and question in a class like this.

Relatedly, organizers at PJU also lead classes focused on educating communities, empowering communities, marketing lawyers' services to communities, and partnering with lawyers in social movement work. They discuss the big picture of why supporting organizers matters and how lawyers often traditionally fail them, to the granular, how lawyers have to change how they write and present issues to contribute tangibly to their campaigns and build the knowledge and

¹³⁹ Obviously, within the traditional in-house clinic settings, students and professors are able to discuss all aspects of the work and cases specifically, since they are all working as one mini law firm. Externship seminars, by contrast, do not have this relationship because students are typically placed at varying sites. Thus, students discuss their work and experience in hypotheticals versus being able to share confidential information.

¹⁴⁰ See, e.g., Steinberg, *supra* note 133, at 987–90 (for example, students read Steinberg's article and learn about the model of holistic defense implemented by The Bronx Defenders).

power of their base. Organizers also co-lead a session with a movement lawyer so that students can see the role of supporting organizers from both perspectives.

In another class, prior to taking on their own client at CJDC, students study the life of a juvenile defense case.¹⁴¹ They receive a case pattern, and then brainstorm what they would do at each stage of the case (initial assignment, plea bargaining, trial and/or sentencing). The group then reviews a real life case pattern from the field, which is typically a municipal case set for trial, and develops a theme and theory. They also work to identify good facts and bad facts for trial. This examination is done in a way that promotes the central theme that “youth matter.” The premise that youth matter defines how students are trained not only in how to handle a case, but also in how the case is presented in trial, what factors to elevate, and how to best discuss the situation of the juvenile client with a judge or jury. Students, for example, simultaneously learn facts about cognitive and emotional development to help concretize this different status and help them bring in policy and scientific frames to their case analyses. Similarly, after reading articles like Lawrence Steinberg’s *A Social Neuroscience Perspective on Adolescent Risk*,¹⁴² in another session, they examine how to incorporate adolescent development research into writing persuasive and creative motions. This connects to both the organizing work and the legal cases, as the cases handled by the externs are for individuals and families connected to PJU.

The students conclude the seminar with mock oral arguments on behalf of a client (either one they worked with throughout the semester or a fictionalized one), encompassing the lessons learned regarding holistic defense. Viewing their clients in a holistic light, students are equipped with an understanding of the many considerations of representing young clients, and employ their newly gained holistic lens in this final project.¹⁴³

¹⁴¹ Sample class session information was shared by Elise Logemann, who was an attorney at CJDC at the time and served as the sole adjunct professor for the course for one semester and the co-professor for two previous semesters.

¹⁴² See Lawrence Steinberg, *A Social Neuroscience Perspective on Adolescent Risk-Taking*, 28 DEVELOPMENTAL REV. 78 (2008).

¹⁴³ Model 2 can be used with different organizations that host multiple externs. For example, Denver Law also has the Jefferson County Prosecution Immersion Externship Program. Students extern in one office, the 1st Judicial District Attorney’s Office, and simultaneously, enroll in a two-credit seminar taught by a senior district attorney held at the placement site. Because all externs are at one office, they share confidentiality and engage in some of the traditional components of in-house clinical seminars.

B. Analysis

Ultimately, public interest specialty programs can provide a number of benefits for preserving students' interests, values, and commitment to the public interest. The two case studies discussed are examples of how specialty programs can be used as a tool to combat public interest drift, but there are several take-aways from these examples that are applicable for any type of specialty externship program.

First, they allow students to build community with each other. Public interest students often feel as if they are swimming upstream, going against the forces pushing students toward more traditional prestigious jobs in the private sector.¹⁴⁴ By building community through these seminars, it gives students power in numbers and support systems to better resist external pressures of prestige of the private sector.

Second, the specialty externship programs provide institutional support for students.¹⁴⁵ Students who might otherwise feel as if their schools are pushing them toward the private sector will experience the institutional support by the externship faculty who organize and run these specialty programs. Regardless of the model utilized, externship faculty have meaningful roles in creating and implementing such specialty programs.¹⁴⁶ This involvement by externship faculty not only ensures the success of the program, but also plays an important role in demonstrating to students the institutional support for public interest at their school.

Third, the programs connect students with practitioners in the field, offering more intentional and targeted engagement and networking with such practitioners. The scarcity of public interest jobs push students toward the private sector.¹⁴⁷ These specialty externship program not only open students' eyes to the many types of jobs they could have, but also connect students with practitioners in significant ways. While all externships connect students with practicing attorneys and places of work, the more involved nature of the specialty externship programs, which intentionally integrates supervisors in a more

¹⁴⁴ See *supra* "Prestige and Private Sector Training."

¹⁴⁵ See *supra* "Scarcity of Public Interest Jobs."

¹⁴⁶ For all Denver specialty programs, externship faculty intentionally identify placements and partners, and solicit their involvement to help ensure supervisor willingness to participate meaningfully. Faculty also advertise the program to students, including advising students of application procedures, guiding students to figuring out best placement fits, and ultimately accepting and forwarding the applications on to the relevant placements. Like all externship seminars, once placements begin, externship faculty oversee credits and hours, review evaluations, and troubleshoot with students and supervisors as needed.

¹⁴⁷ See *supra* "Scarcity of Public Interest Jobs."

significant and meaningful way than most typical externships placements, allows students to form stronger connections to the people and placements. These stronger ties make students more invested in the work, which may increase possibilities of future public interest employment.

Finally, specialty programs provide students with an ability to develop a greater understanding of the ways in which lawyers can impact the public good and to explore their burgeoning professional identity even more deeply, one of the bedrocks of externship pedagogy. Externships can be flexible and serve as “first-responders” to new forms of advocacy. While externships must be closely monitored, developing relationships with lawyers engaging in innovative social change work and then working with them to develop an externship may be easier than, for example, creating a new in-house clinic with the same goals since the externship placement already exists. Exposing students to a widened view of public interest allows students to match their skills and passions more intentionally to a placement. As the public interest field grows and changes, specialty programs give students insight into the new ways lawyers are working as social change agents.

C. Challenges with Public Interest Specialty Externship Program as a “Solution” to “Drift”

Specialty programs create their own set of challenges and questions. One of the primary questions is resources and capacity. Many schools have limited capacity—whether externship team members are employed as staff, part-time lecturers, or full-time faculty impacts both what they can do and how much they can specialize.¹⁴⁸ They also have different relationships and approval processes with administration and faculty. Some externship departments are also a department of one person and thus, they have no choice but to create diverse, large accompanying seminars in order to be able to accommodate everyone. Because of this, varying abilities to launch specialty programs exist. Approval to run such programs and obtain funding for an adjunct professor if needed, among other difficulties, may make this infeasible for some departments.

While the case studies presented here focus on specific subject areas, the model can likely be applied to other substantive areas, further promoting and exposing students to public interest work and

¹⁴⁸ See Cynthia Baker & Robert Lancaster, *Papers from the Externships 4 & 5 Conferences: Under Pressure: Rethinking Externships in a Bleak Economy*, 17 CLINICAL L. REV. 71, 77–78 (2010) (discussing how most externship faculty surveyed served in multiple capacities within the law school and filled additional positions in addition to being externship faculty).

hopefully planting seeds for long-term engagement as public interest lawyers. However, for certain issues and/or at certain schools, there may be a limited number of students interested in public interest issues or in a particular subset of issues. An externship program will have a hard time justifying running such a seminar if none of the “consumers” enroll. Additionally, the more specialized a seminar becomes, the more expertise the externship professor must have to teach the course effectively, unless an adjunct professor can be brought in to the team temporarily. It is inevitable, then, that there will be some subjects in which no one has expertise or some issues that just do not fit in such a structure. On the other hand, determining which public interest themes to use for specialty programs can be a challenge, and students and supervisors may feel ignored if “their” theme is not part of a program. Being able to articulate the factors used in organizing themes for programs is important for maintaining relationships and credibility, and using resources wisely.

Many academic components of externships are worth a maximum of one credit.¹⁴⁹ Limited time exists to devote to teaching and learning in such a seminar and ensuring that the ABA standards for externships, including faculty-guided reflection, self-evaluation, and more, has to be a priority. There is also the risk of the seminar being a bit surface level, not allowing students to go as deep as they would like with the time constraints, though arguably this challenge is present in any one-credit externship seminar.

Another question is how these programs work vis-a-vis in-house clinics, which have long promoted this sort of model as well, helping to push back against drift and broaden students’ understanding of how lawyers can contribute to social change.¹⁵⁰ Expenses associated with starting new clinics or even altering existing models are great, however, and for better or worse, externships tend to allow for economically cheaper and quicker implementation of new projects.¹⁵¹ These programs do not take the place of the in-house clinic model for a myriad of reasons. But, they can complement clinics so that there are multiple experiential options working to push back against drift. Public interest specialty externship programs can fill gaps, focusing on sub-

¹⁴⁹ At Denver, all externship seminars amount to one credit hour with the exception of the two seminars that are part of Model 2.

¹⁵⁰ See Ashar, *supra* note 95 (2008) (discussing how traditional clinical models do not best serve poor communities and how collective mobilization and coordination with organizers and communities can transform law school clinics into vessels that reflect and meet the community needs).

¹⁵¹ Martin J. Katz, *Understanding the Costs of Experiential Legal Education*, 1 J. EXPERIENTIAL LEARNING 28, 30 (2014) (discussing how externships programs are thought of as less expensive than starting or operating in-house legal clinics).

jects or practice areas that are not addressed in the in-house clinics. Collaboration can also occur, with externship faculty recommending in-house clinics prior to or after participation in a specialty program. They can work in tandem versus in competition.

For those departments unable to navigate these challenges and launch such specialty programs, or even for those programs that are simultaneously seeking less intensive ways to promote public interest lawyering, we can still utilize the new ABA standards for externships as leverage to expand offerings and combat drift. Specifically, departments can seek out and promote J.D. Advantage-like externships with lawyer and non-lawyer supervisors. For example, policy-based nonprofits, legislative chambers, think tanks, research and strategic initiative divisions of state government entities, unions, lobbying firms, and investigatory units in federal and state government entities are examples of placements that would expose students to non-traditional ways to use their training in public interest positions. Given the competitive nature of public interest hiring, the ability for students to experience such organizations, become more informed on the role of the lawyer, and determine whether the work intrigues, excites, and motivates them is valuable, as it allows them to jumpstart their career search.¹⁵² It also provides the law school with an opportunity to remind students about the vast ways they can contribute to the field of public interest law and advocacy. Understanding the nature of these positions and their impact is much less likely in a doctrinal course, even if such a course manages to introduce this type of work.¹⁵³ While this expansion is less likely to foster community and build meaningful relationships for students with a cadre of supervisors, it still signals to students that this work is valuable and has a role in the field of public interest lawyering. Similarly, when externship departments collaborate with other programs within the law school, including specialty academic programs and career development offices, we can directly respond to interests and needs articulated by students and employers, and pro-

¹⁵² Cara DeVelder, *Passion, Commitment and a Desire to Serve: Is Public Interest Law for You?*, A.B.A. (Mar. 1, 2012), <https://abaforlawstudents.com/2012/03/01/passion-commitment-and-a-desire-to-serve-is-public-interest-law-for-you/> (“Public interest positions are competitive and employers are looking for people who have outstanding legal talent as well as a commitment to their work.”); see also *Fact v. Fiction: Public Interest Careers*, *supra* note 64 (discussing that many public interest jobs are nearly impossible for newly graduated lawyers to obtain and suggesting fellowships can help overcome the overwhelming statistics).

¹⁵³ Compare CHEN & CUMMINGS, *supra* note 3 (addressing the many ways that individuals can be public interest lawyers), with MARTHA R. MAHONEY, JOHN O. CALMORE & STEPHANIE M. WILDMAN, *SOCIAL JUSTICE: PROFESSIONALS, COMMUNITY AND LAW* (2013) (a more traditional text which focuses on the role of lawyers in defending social movements).

pose relevant curriculum offerings.

It is also important to remember that neither clinics nor public interest specialty externship programs, nor any other academic endeavor, will be a panacea for the public interest drift crisis that has existed for generations. However, for those externship faculty and staff who are in institutions with the flexibility to launch programs, externships can be a prime avenue to expose students to varying models of public interest practice, perhaps helping to solidify their voice and their commitment to this practice area as a career path. We can do our part and specialty programs provide us with a portal to do so.

CONCLUSION AND CALL FOR FUTURE ANALYSIS AND STUDY

Given how challenging it is for students to remain on a public interest path, how embedded public interest drift is within all aspects of legal education, and how the structure for externships is growing within legal education, externship departments can and ought to play a role in fostering and sustaining students' commitment to pursue jobs serving the public good. With the ABA standards governing externships being more robust than ever, we have an opportunity to offer even more tailored and intentional support to our students, as the standards legitimize field placements as academic programs in need of robust structure and attention. How we adapt to the standards and provide that structure, however, remains somewhat flexible.

We suggest that externship faculty can play a role in combatting public interest drift, and specifically propose public interest specialty externship programs as one strategy they can employ. While student and supervisor feedback has been solicited and has been overwhelmingly positive, these programs have not been analyzed and assessed in a scientific way. It would be useful to conduct such a study, and to examine students' motivations and interests prior to enrollment and after participation in such programs. Looking at where students who participated in such programs work after graduation would also be useful to determine whether any longer-term impact exists, if we were able to control for the many other factors that influence employment. This type of analysis could look at whether they were employed in a public interest position, but also how they were lawyering, with whom the students were working, and what they were doing. If part of our vision with these programs is to expand how students see the role of lawyers and what we can do with and for the public interest student armed with a law degree, studying what the new graduates are actually doing and determining whether such work is more expansive than traditional legal work, would be instructive.

It would also be valuable to assess supervisors' satisfaction with

our externship program when they are part of a public interest specialty program as compared to when they are not. While not directly related to combatting public interest drift, externship departments' success depends heavily on the teaching and learning experience in the field. If supervisors believe they are critical to helping us fulfill a larger goal of growing a field of lawyers dedicated to work they believe in, they may be that much more responsive, engaged, and thoughtful with our students and us.

Beyond the lens of Denver Law and looking more broadly on our role, externship departments can take stock of what they are currently doing to combat drift and promote public interest lawyering in all of its forms. We can seek out information on students' interests upon arrival to law school and compare whether our externship offerings are responsive to such interests. We can look in depth at whether the placements we offer are aligned with the current public interest legal job market. For example, if our graduates are employed in J.D. Advantage-type positions, we need to determine whether we offer enough or any externships with such classifications, and figure out how to expand our options. We can study our seminars to determine whether we introduce students to the ethical issues, practice questions, and professional quandaries that arise in a range of public interest lawyering settings specifically. We can also truly be introspective and look at how we are engaging with students. Are we listening to their stories and helping them find their voice, or are we making a professional match to put them on the path that is easiest, expected, more familiar, or more common? This one-on-one engagement is incredibly important to combat such drift. Public interest specialty programs (or other department wide efforts) allow us to complement that engagement by making a statement on a larger scale, signaling to students that we want to hear their voices, and offer structured opportunities that are responsive to their stories and promote public interest lawyering in all of its forms.

If we broaden our view on how law students and lawyers can contribute to the public interest, and subsequently expand our definition of how a robust academic component of externships can be organized, we can make progress towards combatting public interest drift and deepening students' understanding of public interest practice and philosophy both in the field and in the classroom. We cannot eliminate the many factors that contribute to drift, but we can play a role. We owe it to our students and the pursuit of social change to try.