



PHOTOGRAPHY BY BRADLEY SLADE

BY DAVID BARGATZE

~~Where the Rubber~~ Meets the Road

When working on a performance car, a mechanic will often modify the engine to increase power, but without a quality set of tires to put that power to the pavement, such enhancements can result in impressive tire smoking and squealing,

but not much real improvement in speed or acceleration. The transformation of potential into performance can only be accomplished "where the rubber meets the road."

So it is with law school.

Some of the best counsel that law students can receive is that if they are not careful, they will graduate from law school and not know enough about being a lawyer. Class work often provides vital schooling in the theory of the law but precious little practical education in applying the law. The result is often enlightening, but not always applicable, with law students doing much “smoking and squealing,” but not always possessing the ability to put the theoretical horsepower to the practical pavement.

As part of a comprehensive Law School effort to provide first-year students with tools and opportunities to apply knowledge to real problems, Law School Career Services offers the Private Sector Externship (PSE) Program. “Combined with the Rex E. Lee Advocacy Program, the PSE [program] provides sound, practical training and experience to our students,” says Kathy Pullins, associate dean of Alumni and Student Relations.

“Employers expect law schools to provide exceptional training to students in legal writing and research, because, gener-

ally speaking, current undergraduate education does not offer such a background,” Dean Pullins notes. “Also,” she adds, “new associates are expected to contribute much sooner to justify increasing salaries. The J. Reuben Clark Law School has recognized these changes, and the PSE is an innovative way to bridge this gap.”

In 1998 a task force of practicing attorneys and Law School faculty and staff founded the PSE Program to give first-year law students hands-on experience in law firms and corporate legal departments. This externship program is attractive to students, who find that since the early 1990s, paid law-related summer work is increasingly challenging to find for first-year students unless they have personal connections.

“The Law School Career Services Office does this vital legwork of finding employers willing to provide legal experience to first-year students,” says externship director Jim Backman. Offering four units of law school credit in lieu of pay for 200 hours of work, the PSE Program provides access to unique summer experiences that would otherwise be unavailable. Close inspection of private law practice is possible as employers mentor students by providing legal work and feedback. Students have a chance to observe depositions, court appearances, client meetings, and negotiation and settlement sessions.

The application and evaluation process that matches students with employers is based on résumés and a formula that ranks mutual interest rather than GPA and class standing. The premise is that the school’s Advocacy Program prepares all first-year students for summer clerk work, irrespective of grades. First-year students do not use electronic research during fall semester, insuring that they have a solid foundation in traditional research methods. That research is used to produce legal documents under strict time constraints—the Advocacy Program has an assignment due nearly every week.

Monte Stewart, director of the Rex E. Lee Advocacy Program, explains, “On the first day of school, the Advocacy [Program] faculty makes the following promise to their students: ‘Successful completion of [the Rex E. Lee Advocacy Program] will

qualify you to work in an externship or clerkship during the following summer without additional training.' Feedback from the students and the employers at the end of that summer consistently attests to a promise kept."

In addition to acquiring transferable skills that will make them good candidates in future employment interviews, the PSE Program gives students a close mentoring relationship. Alex Kennedy, a 1999 extern, notes that his Jacksonville, Florida, "private externship at LeBoeuf [Lamb Greene & MacRae] led to good friendships with LeBoeuf attorneys." He believes the program "gives students the opportunity to work in some of the best law firms and companies in the country, [where] externs gain excellent experience from knowledgeable and successful practitioners."

Dan Diepholz, another 1999 extern, agrees: "My experience at Chevron provided me with insights that went beyond what I would have gained with a paid position. Aside from challenging work assignments, I was given an opportunity to be mentored by a senior attorney and the general counsel of a Fortune 500 oil company. Those are relationships that usually take much longer than five weeks to establish."

Employers also like the program. The 83 employers who participated during the summer of 2000 did so for a variety of reasons. Most were motivated by the desire to mentor a fledgling law student, the way some attorney had mentored them. Corporate counsel participated in order to provide students with unique opportunities to experience in-house counsel environments early in their legal education.

The feedback confirms that benefits are two-way. As 1999 extern Tom Checketts summarizes:

Not only was I given the opportunity to be exposed to many areas of the law and receive mentoring from very competent practitioners, I also received credit. In return, the firm was able to use me on projects that assisted their clients in beneficial ways. Another advantage to the firm is that, since I am intimately aware of their areas of expertise, I will be sending them referrals. I've already done this.

The program has strong advocates in the Law School Career Services Office. "If students feel success and enjoy their externships, they will continue to explore private sector career options," says Beth Hansen, assistant director of Law School Career Services. "As with all work experience, positive or negative, externships help students make decisions about the career paths they will pursue. Our private externship program is particularly important for students who want legal experience in a foreign law office, since foreign positions are difficult for students to arrange on their own."

During the summer of 2000, Bill Atkin, associate general counsel for The Church of Jesus Christ of Latter-day Saints, made certain that students had plenty of opportunities for experiencing international law. He arranged externship positions in Germany, South Africa, Argentina, Australia, and Mexico. In addition to the opportunities with Church offices, international experiences were available in 11 other countries on six continents. These foreign externships give students a chance to broaden their legal training while expanding their language and cultural experiences. Between 25 and 30 students will venture to international sites for 2001 summer externships.

Domestic externships were available in 19 states and the District of Columbia last summer. There were six externship positions in Washington, D.C., and 16 in California, two very popular areas with students. Since only seven positions were open in Utah, the program encourages exploration of cities outside the state.

The five-week term arranged through the Private Sector Externship Program allows a great deal of flexibility and time for first-year students to gain valuable legal experience.

Public sector externships are also popular, giving students a chance to work for judges, legal services offices, and government agencies. Some students do both a public and a private sector externship their first summer. Others do a private sector externship, then work a paying job the rest of the summer. The following stories describe how this program has played out in individual students' lives.

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Adam Caldwell (1999)

Having worked in the hotel industry to finance his college education, Adam Caldwell was delighted to extern for Marriott's legal department in Washington, D.C. He hoped to see the legal side of problems he witnessed in his prior work experience or at least to see "how such problems occurred, starting at the lowest-level hotel employee."

Adam says his first-year legal writing and research course best prepared him for his externship. Because of the class, he could take a research project, find the law, and put together a memo for an attorney. He found that, although his research and writing skills weren't as polished as those of second- or third-year law students, the fact that he wasn't being paid and didn't have to focus on cost efficiency allowed him extra time for research and editing. Adam believes externs provide help to get "back burner" projects finished and are an extra pair of hands to help with rush projects. He also points out he was able to work well with office staff and paralegals, thus increasing their efficiency.

Although Adam did not enter law school intending to work for a large corporation, he enjoyed the summer experience and believes it helped him narrow his areas of interest. He states, "I still want to work for a small enough firm that we all know each other, yet big enough that I have good resources to draw from."

Adam believes he and Dan Diepholz, another BYU extern at Marriott, had experiences not available to many first-year law students. The externship gave them "an excellent understanding . . . about how the best and the brightest lawyers in corporations work with each other day in and day out, their environment, and what sort of issues they face."

Sara Dansie Jones (1999)

Sara Jones was excited to spend eight weeks at Kim & Chang in South Korea. "It was a great opportunity to go back to my roots. I was born in Korea and hadn't been back since I was a baby," she explains.

Adopted by a family in Utah when she was two years old, Sara grew up in Sandy, Utah, not speaking Korean. As she embarked on the externship, she was concerned that her coworkers would think less of her because she was Korean but couldn't speak the language. "I finally learned that it didn't matter," she says. "I just needed to work hard and do my best."

One of her most important discoveries was the realization that "the pressure of law practice is the same everywhere, even though I learned a lot about the Korean legal system, which is not the same as American law." One of the second-year moot court finalists last year, Sara notes that Korea lacks "the adversarial system that we have here." Rather than preparing



for oral arguments, “you write the briefs and submit them,” she says.

Sara, a chemical engineering major, feels lucky to have worked in Kim & Chang’s intellectual property section doing “soft IP” nonpatent work. The experience, she says, gave her a definite advantage: it confirmed her interest in intellectual property and has been a stepping-stone in pursuing other IP opportunities.

There are many reasons for having BYU externs, Sara says. “If employers never bring in a BYU student, they won’t know how hardworking we are. I had so many comments about what a hard worker I was; everyone thought I was an over-achiever. I thought, ‘No, I’m around people like this all the time at BYU.’ The BYU work ethic is very compatible with the Korean work ethic.”

Larry Shaw (1999)

Larry Shaw spent the summer of 1999 at Phelps Dodge Corporation in Phoenix working with mentor David Colton. He observes, “Before applying to Phelps Dodge, I researched the copper industry and realized how big it is in the United States. That really got me excited about an externship. I’m interested in corporate law, so it was great to see the different aspects of the company and how the attorneys at the corporate level work together.”

Before starting law school, Larry earned a master’s degree in industrial

hygiene and worked three years for OSHA, where he gained on-the-job expertise. When Dave Colton invited him to a Phelps Dodge staff meeting where the safety director was speaking, Larry’s comments piqued the director’s interest. When the director learned about Larry’s OSHA experience and that he spoke Spanish, he took him to Mexico to help with a compliance inspection. Larry, formerly an OSHA inspections officer, says that doing an audit at a plant in Mexico or South America was on his “wish list of things to do before I die.” He also enjoyed the proximity to the Mexican border. “I’m Hispanic, and living in Phoenix allowed me to go down to Mexico any weekend I had free,” he relates.

Although externships are not paid, Larry viewed his as a great investment. He took a long-term approach: he believed this five-week experience would help him in his job search the next summer. As an unexpected bonus following his externship, Larry was invited to stay on as a paid clerk for the balance of the summer. He returned to Phelps Dodge during the 2000 summer, employed in its safety and industrial hygiene office.

Larry especially appreciated the mentoring and the networking in his externship. “One of the things that’s most difficult for students is to begin networking,” he notes. “It’s something they may have not done before. Through the externship program I was able to work with Dave Colton and get to know him. Ten years down the road, I will still be thanking him for helping me get started. I’ll want to do the same thing for someone else.”

“Most important,” Larry says, “the experience helped me get a good idea of what I want to do with the rest of my career.” When he graduates, he wants to be involved in corporate compliance work for a major company doing OSHA, EPA, or environmental health compliance, the same kind of work he has done the past two summers.

Bill Sawkiw (2000)

Bill Sawkiw’s only regret about his externship with Wilkinson Barker Knauer, in Washington, D.C., was that it wasn’t longer. “When externs first arrive,

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there may be some reluctance to give them work, because they are first-year law students,” he says. By the time he hit his stride, the time was half over.

That doesn’t mean that Bill was just given busywork. On the contrary, he felt like part of the team. He says, “Although some of the work assignments may have been small, they seemed necessary to the end result we wanted to accomplish.” While not all assignments are glamorous, he felt many were, indeed, just that for a first-year law student. He was able to do a lot that made him feel like an important cog in the wheel. Bill credits the people at WVK with helping him have a positive experience. “Everyone was very supportive and helpful.”

Like many others who lack personal connections in the legal profession, Bill was not certain what kind of legal experience he would be able to get during his first summer. An externship “seemed like a way to have a great experience that you might not be able to get through traditional channels,” he recounts. “I was also intrigued by the possibility of getting credit. Law school is difficult, and when you can get additional credit to take some pressure off your semester course-load, it helps.”

Jace Locke (2000)

Being treated like one of the second-year law clerks was a pleasant surprise to

Jace Locke, who externed at LeBoeuf Lamb Greene & MacRae in Jacksonville, Florida. “All of the attorneys treated me like a summer associate, and, in fact, I believe a number of them didn’t even realize I was working for credit, instead of pay,” he says. The confidence placed in him by his mentors and other attorneys was apparent from the work Jace was asked to do. He relates:

When I first arrived at the office, I met with an attorney in the labor department, and she asked me to write a motion to dismiss for failure to state a cause of action. I was given a background explanation of the case and the files on the case, and I was asked to meet back with the attorney in three days. I worked with this attorney for about two weeks, receiving plenty of valuable feedback and instruction. What was great about this project is that I ended up writing the entire motion (about six pages), and after proofing my work, the attorney signed the motion, and we submitted it to the court. The process of writing and submitting the motion was a great confidence booster for me, and the supervising attorney was genuinely impressed by and appreciative of my help.

Jace appreciated that he was handed meaningful work to do. Regarding a tax research assignment, he says, “The work was rewarding because it was important. As I was the only person researching a



specific technicality of the tax code, the job I performed did matter.”

Perhaps the best aspect of the experience was the interaction with the attorneys, he says. “I was impressed with the friendliness and accessibility of the attorneys at LeBoeuf. By the end of the externship, I realized I was being treated as a valued co-worker, not just as an extern.”

Jaimee Macanas (2000)

Many students would hesitate to accept an externship in a country plagued by poverty, crime, and corruption, but Jaimee Macanas found her five weeks with the LDS Church Legal Office in Johannesburg, South Africa, thrilling because there was so much work to be done.

This Johannesburg office handles all of the LDS Church’s legal matters for Sub-Saharan Africa, so Jaimee handled issues ranging from car accidents and property disputes to immigration and litigation concerns. As a result of the Church’s humanitarian focus, one of Jaimee’s assignments was “researching various health laws in different African countries to determine the legal process and methods of importing medicines into the countries.”

The five-week externship term allowed Jaimee to spend time traveling through Africa following her externship experience. As she traveled by road from Uganda to South Africa, she noted, “There are many charities, ngos (nongovernmental

organizations), and international firms that would love an extern to help research laws in various countries to insure they are working within the law.”

The practice of law was only part of the experience that Jaimee gained in Africa. Perhaps even more important was the experience of living and working in such a different environment. She reviews her impression:

Evidence of the scars of apartheid is clear; many people are frustrated and uneasy, and as a result, car-jackings and kidnappings are routine. Yet I loved South Africa and Africa in general—the diversity, culture, and instability were all so intriguing. Africa is unpredictable; anything could happen in a day. Coups pop up, civil war breaks out, poverty, crime, corruption, and suffering are everywhere. Yet there is such an amazing pull to be there because of it. There’s a lot of work to be done, and there’s so much untouched potential.

Matt Kennington (2000)

Despite spending more than four weeks as an extern at Kutak Rock’s Denver office and another five and a half weeks as a paid clerk, Matt Kennington claims, “Other than the method of compensation, I still don’t understand the difference between externs and clerks.” Counting it all a great summer experience, Matt worked with the health-care

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group interviewing witnesses, researching a variety of issues, and helping to write briefs, including one for the Colorado Court of Appeals.

“Throughout my stay with Kutak Rock, I was included in meetings and discussions and even had the chance to interview witnesses,” he says. “They valued my opinions on whether or not to put certain witnesses on the stand and used my witness interview notes in trial preparation. That kind of confidence in my work was astonishing to me, and it made me want to earn their respect.”

One reason for Matt’s surprise was that the office had never worked with a first-year law student before. He recalls,

I had a chance to overhear some of the other summer clerks talk about their projects and problems, and I came away with the sense that I had been prepared well for this kind of work, particularly by my first-year advocacy class. One day I asked an attorney why he was placing so much confidence in me and giving me work that even the second-year-student clerks weren’t getting. He said, “Most law firms don’t hire first-year [summer] associates, but most law students don’t have the life experience BYU students have.”

Matt says that “a real key to making the externship valuable, both to the employer and to the student, is a supervisor who can strike a balance between entrusting the student with meaningful work and providing enough supervision to ensure success.” He grants that the balance differs from student to student, but the responsibility for striking that balance lies as much with the student as with the supervisor. “Students should know what their limitations are and ask for the help they need,” he states.

The attorneys with whom Matt worked discussed with him the possibility of returning to Kutak Rock. If that happens, he says, “the decision will have a lot to do with the relationships I formed there and the admiration I have for those attorneys.”

Sarah Chow (2000)

Sarah Chow’s interest in intellectual property took her to Arent, Fox, Kitner,



Plotkin & Kahn in Washington, D.C., but the work was truly global. “One project involved the transfer of Cocos Keeling Islands and Tonga domain names,” she says. “I researched the process of transferring the domain names and contacted the registrant to explain to him the transfer process.”

From the start, Sarah’s externship involved international issues. “The very first project I worked on involved researching civil procedure issues and writing an office memo,” she relates. “Luckily, I had a copy of the office memo that I had written for advocacy on disk and was able to reference it for format. The civil procedure issues involved service of process in a foreign country and personal jurisdiction. I was happy to know that the information we learned in civil procedure this past year was applicable in real life.”

The five-week program allowed Sarah to split her summer between two cities that interested her. The firms that offered her a summer position all have policies against split summers; however, she says, “When I explained the externship program to the firms and the experience I would be having at Arent Fox, the firms were willing to allow me to spend the first five weeks in Washington, D.C.”

Sarah adds, “Another advantage of the PSE Program is that I was able to create my own learning plan and work on pro-

jects of interest to me. Usually summer associates do not have as much freedom to choose the types of projects they want to work on. Over the five-week period that I spent at Arent Fox, my mentor made sure that I was able to work on every type of project that I had included on my learning plan. I left Arent Fox with an even greater interest in trademark law.”

Tanya Milligan (2000)

Tanya Milligan considers herself fortunate to have spent an externship with Holme, Roberts & Owen in her home town of Denver. The opportunity, she says, “served the double purpose of giving me contacts in Denver as well as allowing me to live at home and save on expenses while I worked for credit.”

The externship started slowly, with Tanya and her mentor unsure of what kinds of assignments she could handle. This uncertainty was due to the fact that Tanya was doing bankruptcy work, a subject with which she was not familiar.

To make sure that she got a grasp on the practice area and was a benefit to the firm, Tanya developed a “system of discovery” to use for the first weeks of her externship. She explains,

I would write down the key words that Duncan said to me, then go to Susan, our paralegal, for a first take on what I should be doing. I would then make a first effort and

take my work product and more questions to Elizabeth, one of the associates. She would usually correct my misconceptions and fill in the gaps. By the time I got around to Duncan again, I usually had a pretty good draft, or at least some intelligent questions. . . . After just a few weeks, I could throw around “adversary proceeding,” “proofs of claim,” and “substantive consolidation” without sounding foolish.

The bankruptcy group with which Tanya worked was involved in a large, complicated case scheduled for trial at the end of the summer that required a lot of work to be done. “Early in my fourth week,” she says, “Duncan called me into his office and asked me what my plans were for the rest of the summer. He offered me a job to stay on at HRO as a summer intern and help out in preparation for the trial, which I promptly accepted.”

“I could not have planned a more advantageous summer after my first year of law school. I’ve been able to get a feel for the large-firm experience, what it is like to work in downtown Denver, as well as talk to and get to know lawyers in many different fields of law,” Tanya conveys. “Unless you know the hiring partner of some firm, there is no better way of getting great summer experience than an externship.”

David Bargatz is a 2001 graduate of the J. Reuben Clark Law School. His 1973 Mustang rides on Goodyear touring tires.

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PSE task force members included practicing attorneys Ralph Mabey, David Colton, Dix Newell, David Golden, and Bill Atkin and Law School faculty/administrators Jim Backman, Scott Cameron, Stan Neeleman, David Thomas, Mary Hoagland, and Vicki Huebner. Faculty members Steve Averett and Susan Griffith; law students Rod Andreason, Bryan Farris, and Lii Mossman; the Law School Career Services staff; and many wonderful practitioners were all instrumental in making the first year a success.