



# Student Program Manual

## 2025-2026 Academic Year

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## **I. Overview**

An externship is an academic course that provides students with the opportunity to go beyond the traditional classroom and immerse themselves in the real-world practice of law under the guidance of both (1) a field supervisor who is a licensed attorney or judge at a legal organization and (2) a faculty supervisor (the Director of Externships). Through this educational experience, students are able to grow their substantive legal knowledge, hone practical skills, further form their professional identity, and forge lasting professional relationships. This manual provides information about the policies and procedures of our Externship Program and answers frequently asked questions. If you have any questions about the information contained herein or otherwise, do not hesitate to reach out!

## **II. Eligibility**

### **A. Students**

Students are eligible to participate in the Externship Program once they have completed 27 credit hours. Students must also be in good academic standing or on academic probation; therefore, students on academic exclusion are not eligible to complete an externship.

(Note: Certain field placements require students to be in good academic standing. Students are responsible for confirming whether a field placement requires externs to be in good academic standing. Students are also responsible for informing their field supervisor and the Director of Externships if the student is not in good academic standing at any point during the externship semester.)

### **B. Field Placements**

The following types of organizations are eligible field placements for an externship:

- Judicial chambers and court staff attorney offices
- Government entities (local, state, and federal)
- Public interest and non-profit legal organizations
- In-house counsel to corporations or institutions
- Private law firms where the student's work will be exclusively on *pro bono* matters.

All organizations must also agree to abide by the requirements of our Program as outlined in the Externship Agreement, including the University's non-discrimination policy.

### **C. Experience**

#### **i. Payment**

A student may receive payment during their externship in the form of wages, a stipend, or a scholarship. If a student receives external funding for their externship (e.g., external

scholarship), that must be shared with their supervising attorney to ensure the funding complies with any rules of conduct or ethics. (Note: regardless of source, students will be required to note payment for their externship on their Externship Approval Application.)

## ii. Remote Experiences

Fully remote externships are permitted at this time provided that the field placement also primarily works remotely. Students are generally not permitted to complete a fully remote externship with a field placement that primarily works in-person at an office. An exception may be made by the Director of Externships if a student demonstrates they will receive adequate supervision, inclusion in organizational activities, and a well-rounded experience working remotely. Hybrid externships, where the student works in person at the organization at least once a week, are permitted.

## iii. Type of Work

To warrant academic credit being awarded, an externship must provide a student with a “substantial lawyering experience” that “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 faculty member and, at a field placement, under the supervision of a licensed attorney or an individual otherwise qualified to supervise.”<sup>1</sup> Moreover, a student must have multiple opportunities to perform legal skills. A student **may not** receive credit for an experience that is predominantly administrative (e.g., data entry, file creation/organization) or political.

## D. Family Member Policy

To maintain the academic integrity of the Externship Program, students are not permitted to complete an externship if their supervising attorney is a family member. A student who wishes to extern at a field placement where a family member works but will not be supervising the student must obtain the approval of the Director of Externships, who will consider such situations on a case-by-case basis.

## III. Course Planning

Students receive three academic credits for the externship course. Students may complete two externships and thus receive a total of six academic credit hours.

### A. Simultaneous Enrollment in Clinic or Participation in other Legal Experience

There is not a categorical prohibition on students completing an externship in the same semester as a clinic, internship, legal job, or *pro bono* experience. However, in advance, students must inform (1) the Director of Externships; (2) their prospective externship supervisor; **and** (3) their prospective clinical instructor or the supervising attorney at their other legal experience of their desire to complete both simultaneously. The purpose of

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<sup>1</sup> 2024-2025 ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS, STANDARD 304(D).

this policy is to ensure the student will not have a conflict of interest. Students are responsible for identifying any actual or potential conflicts of interest. Where there is a potential conflict of interest, the Director of Externships retains discretion on whether the student will be permitted to extern in the same semester as one of these experiences.

(Note: Even if there is ultimately not a conflict of interest, students should carefully consider whether their time and schedule will permit them to complete both experiences simultaneously.)

#### B. Limit on Second Externships: Repeat Placements

Students who would like to complete a second externship at the same field placement as their first externship must adequately demonstrate that they will receive a distinct and substantially different educational experience from their first externship. A student who wishes to request a repeat externship should contact the Director of Externships to receive a Petition for Repeat Externship Form. The Director of Externships will review the completed Petition for Repeat Externship Form and make the ultimate decision on whether the externship is approved.

(Note: Separate judicial chambers are not considered the same field placement even if they are on the same court.)

### **IV. Finding an Externship**

Students are responsible for obtaining their own externships; however, the Director of Externships is here to support students as they search, apply, and interview for potential externship opportunities. While students may certainly apply to multiple organizations in their search process, they should only apply for externship opportunities they would accept.

#### A. Timing

An externship may be secured at any point before a given semester or term. That said, students should begin their search well in advance of that semester or term, as placements often make hiring decisions 2-4 months in advance. All externships must be secured and approved by the last day of the add/drop period of a given semester or term.

#### B. Method

##### i. Symplicity and the Career Center

The Externship Program has numerous field placement partners who accept applications from our students on a recurring basis. Field placements may also reach out to our Program directly with *ad hoc* opportunities. The Career Center advertises and manages the applications for these opportunities through Symplicity. Each externship opportunity

will have its own application and requirements—generally some combination of resume, cover letter, unofficial transcript, writing sample, and/or references.

ii. “Outside” Opportunities

Students are not limited to the externship opportunities posted on Symplicity or advertised by the Career Center. Students are encouraged to investigate other opportunities in which they may be interested and take advantage of our school’s unique location in the State’s capital and in the renowned Research Triangle. Additional opportunities may also be found outside of the Triangle if externing in those locations is logistically possible for a student in either the Fall/Spring semesters or the Summer term. (Note: Students who have questions about the eligibility of a self-identified opportunity should consult with the Director of Externships as soon as possible.)

C. Considering an Offer

Students are expected to act as promptly as possible in responding to an externship offer. In the event a student receives multiple offers in a short timeframe, the student should follow general Career Center guidance on navigating multiple job offers. (The Career Center Handbook can be found in the Career Services “Organization” on Blackboard.)

Once a student accepts an offer for an externship for a semester or term, they must honor that commitment. Students will jeopardize their professional reputation by continuing to apply for, interview with, and/or consider other externship opportunities for the same semester or term. Students who renege on their acceptance for a “better opportunity” without a compelling and valid reason will not be allowed to take the externship course that semester and may be reported to the Dean per Career Center policy.

*Special Protocol for Judicial Externships*: Those who are interested in clerking after graduation may be familiar with the “Judge Rule” regarding the acceptance of offers from a judge. For those unfamiliar with this etiquette rule, a student may apply and interview for opportunities with multiple judges (and other organizations); however, the student shall immediately accept with the first judge who makes them an offer. The student should then promptly withdraw their applications from other chambers and organizations. This rule applies with equal force to externships. Failure to follow this rule not only jeopardizes a student’s professional reputation, but it also jeopardizes both the reputation of the law school and future opportunities available to our students with that judge’s chambers.

D. Confirming Acceptance

Students should confirm in writing their acceptance of an offer. As soon as practicable (typically during class registration), the student should confirm essential information with their field placement, such as starting date and work schedule. Upon accepting an externship, students should promptly contact any other organizations with whom they have pending applications and respectfully request that their application be withdrawn.

## **V. Approval of Externship**

To maintain academic integrity and ensure that all externships meet both ABA Standards and our Program's requirements, every student's externship is subject to approval by the Director of Externships. To obtain approval, each student must complete the following:

**Step 1 – Externship Approval Application:** This form gathers information about the proposed externship. It can be accessed [here](#). The Director of Externships will review and vet this information and conduct any necessary follow-up with the student and/or their proposed field supervisor. An externship will be approved if (1) the student, field supervisor, and field placement are eligible; (2) the student will perform substantive legal work typical of an attorney and have multiple opportunities for the performance of legal skills; and (3) the field supervisor will provide substantive and ongoing feedback to the student on their performance. If the externship is approved, the student will be sent an Externship Agreement via email.

**Step 2 - Externship Agreement:** This written understanding describes the lawyering experience the student will receive, the opportunities the student will have for performance, feedback, and self-evaluation, and the respective roles of each party to the externship (student, field supervisor, and faculty supervisor). An externship is not considered to be fully approved until the Agreement is executed by all parties and received by our Program.

Students are encouraged to complete the approval process as soon as possible, and an externship must be fully approved by 4:00 PM on the last day to add a course.

## **VI. Registering for an Externship Course**

Students may self-register for either the Externship I or Externship II course. If they have not already done so, students who register for the course will be contacted to complete the approval process outlined in the preceding section. Registration for an externship course but failure to obtain full approval by the end of add/drop will result in the student being removed from the course.

(Note: Students who enroll in the course during the Summer term earn summer credits for an externship course and pay the applicable tuition charges for those credits. The credits are posted on the student's Summer semester transcript.)

Students are generally unable to drop or withdraw from an externship course. This policy is in recognition that field placements rely on student commitments for a given semester. Students will only be able to drop or withdraw from an externship course upon a showing of extenuating circumstances or significant hardship. Class conflicts or obtaining another

position do not qualify. The student must make this showing and obtain approval from the Director of Externships and the Associate Dean of Academic Affairs to withdraw.

## **VII. Course Requirements**

### **A. Hours at Placement**

Students must work 135 hours at their placement over the course of the semester or term. Hours may not be earned before the first day of classes, and the hour requirement must be satisfied by the last day of classes of the Fall/Spring semesters or the last day of the course for the Summer term as dictated by the academic calendar. Using a provided template, students will track their hours each day at their field placement (maintaining confidentiality in the descriptions of the tasks performed). Time spent commuting to a field placement and work done as part of the externship course (e.g., readings, journaling) cannot count toward the hour requirement.

Note: A placement may require more than 135 hours (for example, during a full-time summer experience). Such a requirement must be made known to the student at the start of the application process and before the student accepts an externship offer.

### **B. Classroom Seminar**

Students are required to attend a seminar that is contemporaneous with their field work. The seminar will focus on general lawyering topics. Classes are intended to be interactive, practical, and helpful in allowing students to connect their externship experiences with fundamental concepts of what it means to be a lawyer.

### **C. Assignments**

Students will have assignments as part of the seminar which are aimed at enriching their experience. Although subject to change, students can expect to complete the following as part of the seminar: goal statements, timesheets, reflective journaling, career documents discussing their externships, and readings before class sessions.

### **D. Evaluations**

Halfway through the semester, students will complete a “Mid-Semester Evaluation,” which will be a self-assessment of their skills and growth at the mid-point of the semester. Students will then be required to discuss this evaluation with their supervising attorneys.

At the conclusion of the semester, the Field Supervisor will evaluate the student’s skills and performance throughout the semester or term in an evaluation submitted to the Director of Externships. Additionally, the Director of Externships will evaluate the student’s educational achievement by assigning a final grade.

### **E. Conferences**

Students will have at least one individual conference with the Director of Externships during the semester. The Director of Externships will also remain in individual communication with field supervisors and may conduct a site visit to the field placement.



#### F. Grading

The externship course is graded descriptively pursuant to the law school's academic standards. Students will receive a grade of Satisfactory Pass, Unsatisfactory Pass, or Unsatisfactory Fail. The grade for the course is based on the student's attendance in the classroom, engagement with assignments and timeliness in their submission, attendance at all required one-on-one meetings with the Director of Externships, work quality at their placement, and professionalism in both the seminar and placement.

### **VIII. Student Responsibilities**

At all times, students participating in the Externship Program are required to abide by the Campbell University School of Law "Code of Honor and Professional Responsibility" and the professional responsibility rules of the jurisdiction in which the student is externing.

*Special Note for Federal Judicial Externships:* Students externing in the federal judiciary must be familiar with and comply with the Code of Conduct for Judicial Employees.

#### A. Professionalism

Students must conduct themselves in a professional manner at all times during their externship. This includes being ethical, prompt, diligent, thorough, present, communicative, dressed in proper attire, and respectful towards all colleagues, clients, judges, and other individuals whom the student may encounter. Students should also abide by professional rules required by their field placement.

#### B. Confidentiality

Students must abide by their field placement's confidentiality policies and should inquire about those policies with their supervising attorneys at the beginning of their externship. They should not reveal information designated as confidential by their supervising attorney or judicial chambers. Students must also abide by the ethical rules regarding confidentiality set by the State Bar of the jurisdiction in which they are externing. In the event students wish to use their work product as a future writing sample, they must seek authorization from their field supervisor and redact information as necessary.

#### C. Conflicts of Interest

Students have an ongoing responsibility to report actual and potential future conflicts of interest to their supervising attorney. Students must not determine on their own whether there is a conflict of interest. Prior to submitting an Externship Approval Application, students must read the Conflict of Interest Summary for Prospective Externs.<sup>2</sup> Additionally, once a student's externship is approved, the student must also complete a Conflicts of Interest Inventory and submit the completed form to the student's supervising attorney/judge as soon as possible. In all instances, the Conflicts of Interest Inventory must be submitted to the student's supervising attorney/judge prior to commencing the externship. A copy of the completed Conflicts of Interest Inventory must also be provided to the Externship Program. Students have a continuing obligation to update the Conflicts

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<sup>2</sup> Conflict of Interest Summary for Prospective Externs is located at **Appendix A**.

of Interest Inventory to reflect any change in circumstances prior to beginning work at an externship placement and/or during the semester in which the student is enrolled in the Externship Program.

#### **D. Unauthorized Practice of Law**

Students should not engage in the unauthorized practice of law. This includes not identifying themselves as an attorney or giving the impression they are an attorney despite possibly having the responsibilities and obligations required of a member of the organization's legal team. Students should advise all clients and others they are a law student and confirm with their field supervisor their proper title (e.g., "Student-Extern").

### **IX. Student Practice Certifications**

A field placement may require that the student obtain their Student Practice Certification from the North Carolina State Bar during their externship.

This certification is available to eligible students in good academic standing who are working in a law firm, government entity, or public interest organization who wish to engage in the activities described in [27 N.C.A.C. Ch. 1C, Rule .0206](#), including representing an eligible person, the state in criminal prosecutions, a criminal defendant who is represented by the public defender, or a government agency in any proceeding before a federal, state, or local tribunal, including an administrative agency. Eligible persons are defined as "[p]ersons who are unable financially to pay for legal advice or services as determined by a standard established by a judge of the General Court of Justice, a legal services organization, government entity, or a clinical legal education program[, and] may include minors who are not financially independent; students enrolled in secondary and higher education schools who are not financially independent; non-profit organizations serving low-income communities; and other organizations financially unable to pay for legal advice or services." The full rules governing the Certification can be found in [27 N.C.A.C. Ch. 1C, Section .0200](#).

The process for obtaining the Certification and all relevant forms can be found on the law school on the Career Center's Blackboard organization.

### **X. Policy on Non-Discrimination**

The University affirms its standing policy of non-discrimination in employment and in all of its programs and activities, with respect to race, color, sex, sexual orientation, gender identity or expression, age, religion, ethnicity or national origin, disability, genetic information, protected veteran status, military status and any other characteristic protected by law, except where exemption is appropriate and authorized by law.

### **XI. ABA Standard 304**

Standard 304. EXPERIENTIAL COURSES: SIMULATION COURSES, LAW CLINICS, AND FIELD PLACEMENTS

(a) Experiential courses satisfying Standard 303(a) are simulation courses, law clinics, and field placements that must be primarily experiential in nature and must:

(1) integrate doctrine, theory, skills, and legal ethics, and engage students in performance of one or more of the professional skills identified in Standard 302;

(2) develop the concepts underlying the professional skills being taught;

(3) provide multiple opportunities for performance;

(4) provide opportunities for student performance, self-evaluation, and feedback from a faculty member, or, for a field placement, a site supervisor;

(5) provide a classroom instructional component; or, for a field placement, a classroom instructional component, regularly scheduled tutorials, or other means of ongoing, contemporaneous, faculty-guided reflection; and

(6) provide direct supervision of the student's performance by the faculty member; or, for a field placement, provide direct supervision of the student's performance by a faculty member or a site supervisor.

(b) A simulation course provides substantial experience not involving an actual client, that is reasonably similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks in a set of facts and circumstances devised or adopted by a faculty member.

(c) A law clinic provides substantial lawyering experience that involves advising or representing one or more actual clients or serving as a third-party neutral.

(d) A field placement course provides 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, and (2) includes the following:

(i) a written understanding among the student, faculty member, and a person in authority at the field placement that describes both (A) the substantial lawyering experience and opportunities for performance, feedback and self-evaluation; and (B) the respective roles of faculty and any site supervisor in supervising the student and in assuring the educational quality of the experience for the student, including a clearly articulated method of evaluating the student's academic performance;

(ii) a method for selecting, training, evaluating and communicating with site supervisors, including regular contact between the faculty and site supervisors through in-person visits or other methods of communication that will assure the quality of the student educational experience. When appropriate, a school may use

faculty members from other law schools to supervise or assist in the supervision or review of a field placement program;

(iii) evaluation of each student's educational achievement by a faculty member; and

(iv) sufficient control of the student experience to ensure that the requirements of the Standard are met. The law school must maintain records to document the steps taken to ensure compliance with the Standard, which shall include, but is not necessarily limited to, the written understandings described in Standard 304(d)(i).

(e) Credit granted for such a simulation, law clinic, or field placement course shall be commensurate with the time and effort required and the anticipated quality of the educational experience of the student.

(f) Each student in such a simulation, law clinic, or field placement course shall have successfully completed sufficient prerequisites or shall receive sufficient contemporaneous training to assure the quality of the student educational experience

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## **Appendix A**



## **Conflict of Interest Summary for Prospective Externs**

The material excerpted below discusses conflict-of-interest issues that can arise in the externship setting. You must review this material prior to completing your Externship Approval Application. If the material raises questions about the rules as applied to your externship, discuss your questions with your field supervisor first. You are responsible for raising all conflicts-of-interest issues to your field supervisor and maintain an on-going duty to do so upon any change in circumstances.

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*Excerpt: Alexis Anderson, Arlene Kanter, & Cindy Slane, Ethics in Externships, 10 CLINICAL L. REV. 473, 505-510 (2004).*

Numerous relationships can present potential and actual conflicts of interests, not only for externship students, but also for their faculty and field placement supervisors. Conflicts may arise from the interests of past or current clients of two or more externship placements or other legal practice settings in which an extern has worked; from the personal or financial interests of the extern, the field placement supervisor, or the faculty supervisor; or from the interests of third parties. Accordingly, all parties involved in an externship program - students, faculty, and field supervisors alike - must become acutely aware of the professional standards and ethical rules governing conflicts of interests, how they apply to the respective players in an externship program, and how to recognize and avoid potential conflicts within the program even before actual conflicts of interests arise.

### **1. The Rules Governing Conflicts of Interests**

Current rules governing conflicts of interests appear in Model Rules 1.7 through 1.12. Concurrent conflicts, involving two current clients or one current client and one prospective client, are addressed in Model Rules 1.7 and 1.8. Successive conflicts, involving conflicts between current and former clients, are addressed in Model Rule 1.9. Model Rule 1.10 addresses imputed conflicts, which prohibit lawyers from representing clients when other members of their firm have conflicts that are imputed to them. Model Rule 1.11 specifically addresses successive and imputed conflicts that involve government lawyers, speaking to the obligations of lawyers who leave government practice to work in the private sector, or vice versa. Conflicts involving judges, mediators, and arbitrators are addressed in Model Rule 1.12.

In February 2002, the ABA adopted a comprehensive set of changes to the Model Rules, including several new provisions that liberalize the rules on conflicts. Under revised Model Rule 1.7, a lawyer generally may not represent a client if such representation involves a concurrent conflict, or one in which 'the representation of one client will be directly adverse to another client[,] or . . . if there is significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibility to another client, a former client or a third person or by a personal interest of the lawyer.' In such cases, the lawyer may represent the client only if the lawyer reasonably believes that he or she will be able to provide 'competent and diligent representation to each affected client,' and,

further, only if the representation is not prohibited by law and “does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal. Even then, the representation is permissible only if each affected client provides informed, written consent to the representation.”

These conflicts of interests rules are based, in large part, on the lawyer’s need to protect client confidences and the lawyer’s underlying duty of loyalty to his or her clients. If a lawyer is privy to a client’s confidential information, and either concurrently or subsequently represents another client with interests adverse to those of the first client, the lawyer may be tempted to use the first client’s confidential information to benefit the second client. Such conduct would constitute not only a breach of confidentiality, but also a violation of the lawyer’s duties of loyalty to, and diligent representation of, the original client.

The Model Rules define the term conflict of interests to include not only actual conflicts but also ‘the potential for harm.’ Accordingly, a conflict of interests will exist ‘whenever the attorney client relationship or the quality of the representation is ‘at risk’ even if substantive impropriety - such as a breach of confidentiality or less than zealous representation - [does not] in fact eventuate.’ The conflicts rules also assume that lawyers who work together (e.g., in a firm or government law office) ordinarily have access to confidential information regarding every matter in which any other lawyer in the office is involved. Accordingly, an individual lawyer’s conflict does not affect the individual lawyer only, but will be imputed to all other lawyers in the office in which the lawyer works, according to the principle of vicarious disqualification. As lawyers have become more mobile, and as more cases involve multiple litigants, conflicts of interests have become increasingly common grounds for disqualification motions and civil malpractice suits by clients.

What do the conflicts rules mean for law students in externship programs? As noted in our Introduction, we view externs as student lawyers, bound by the applicable rules of professional conduct in their respective jurisdictions. Accordingly, externs, as well as their field supervisors and faculty supervisors, must be keenly aware of conflicts.

## **2. Sources of Conflicts of Interests in Externship Practice**

Conflicts of interests may arise from many sources and present at various points during and after a student’s participation in an externship. Conflicts may arise in connection with students’ placement site activities, for example, or with student participation in the academic component of the externship, in the course of discussions in seminar classes or in the externs’ reflections in their journals. Conflicts may appear as early as in the application process, or not until much later, in the job search following graduation.

An extern will face a concurrent conflict of interests when the extern is unable to give undivided loyalty to a current client of the placement because of a competing loyalty to another client or to a third person, or because of the student’s own interests. Some

concurrent conflicts are actual conflicts - that is, they already exist; others are potential conflicts - conflicts that may arise in the future.

For example, a student may wish to work part-time at a local criminal law office during the same semester in which he or she is enrolled in an externship at the local office of the district attorney. In this situation, the extern seeks to provide concurrent representation to clients with conflicting interests. The adverse interests of the clients of the firm (who face criminal charges) and the client of the externship placement (the State, which is bringing those charges) will necessarily present an actual concurrent conflict of interests for the extern, forcing the extern to choose either to work at the firm or enroll in the externship.

A potential concurrent conflict, on the other hand, exists where the partner or roommate of an extern is employed by a firm that has a case before the judge for whom the student is externing. Though the extern in this case would not be engaged in the representation of clients with conflicting interests, this situation nevertheless gives rise to a potential concurrent conflict of interests for the extern, and for the judge for whom he is externing.

Externs may also encounter actual or potential successive-representation conflicts arising from the lawyer's duty of loyalty to both current and former clients. Most externs come to an externship with at least one summer's legal work experience; some have worked in two or more legal practice settings. This prior experience could present a conflict with respect to the clients of the extern's current placement, either because the extern may be tempted to reveal confidences of a former client to benefit the client of the externship placement, or because the extern could be asked to engage in work at the placement that would be considered disloyal to the clients of the student's former employer.

In such cases, the extern's conflict may be "curable" or "consentable" if both the affected client(s) of the former employer and the affected client(s) at the externship placement give informed consent to the extern's work at the placement. Informed consent, though, requires disclosure and consultation. Once a conflict of interests is identified under the applicable rules of professional conduct, the student must disclose the conflict to her placement supervisor, and must then seek consent to the proposed representation from both the previous employer's affected client(s) and the affected client(s) at the externship placement in order to 'cure' the conflicts problem.<sup>124</sup> If even one affected client does not consent, the student may not be able to participate in the externship at a particular site. Worse still, if the conflict does not arise until the semester is underway, and client consent to the representation is not forthcoming, the student may be required to withdraw from a placement without completing the externship.

Some conflicts are so serious that they are not "curable" at all, not even with client consent. These "incurable" or 'unconsentable' conflicts include representation that is prohibited by law, or where one client has or will assert a claim against the other in the same litigation, or in any other case in which it is not reasonably likely that the lawyer will be able to provide competent and diligent representation to the affected client or clients. Once such an incurable conflict is identified, the extern must withdraw from representation.