

THE INTERNATIONAL JOURNAL OF HUMANITIES & SOCIAL STUDIES

Enforcing 'Externship' in the Ethiopian Legal Education: A Critic Touching the Simulation

Misganaw Gashaw

Lecturer, Department of Laws, Debre Markos University Law School, Ethiopia

Abstract:

Externship program, as a right medium for experiential learning opportunities, have become an increasingly important component of legal education. With this discourse, the latest Ethiopian legal education reform of 2006, introduced externship in company with clinical programs and skill courses with a view to produce competent law graduates that understand and serve the legal system and justice administration of the country. However, it seems to lack attention and it's common to witness problems attributable to law schools, hosting organizations, the student and the school supervisor. And it's time to question the implementation of this ten years old model.

Under this paper, after extensive review of literatures and legal documents with slight discussions and interviews with law school deans, instructors and students, an attempt is made to identify some of the particular responsibilities of these stakeholders. Primary, it is found that the absence of comprehensive and clear handbook that regulates the program's 'modus operandi' has made them run the externship program without knowing the life and route. The existing course delivery is deceptive as compared to the practice in foreign law schools, where the program is administered by separate body and several externship programs are delivered throughout law school life and its management is even more austere than the delivery of other law courses. And I urgently recommend two things: the preparation of comprehensive handbook at national level and specific handbooks at school level and law schools shall urgently work in alerting students, instructors and hosting organizations on what the program is and its thesis of implementation as per the colossal objectives of the program.

Keywords: Ethiopian Legal Education, Experiential Learning, the 2006s Legal Curriculum, Externship

1. Introduction

Prior to the legal education reforms of 2006, all Ethiopian law schools have continued in using programme designed by Addis Ababa University Law School (*Hereinafter* AAULS), which is the first to begin modern legal education and the only law school until the 1990's. This long used curriculum has been criticized for its theoretical inclinations and deficiency to extend necessary skills to future practitioners, among other things.¹ Legal education has long been a dialog or monolog between the instructor and students with little or no emphasis to practice-oriented courses. It has been argued that the teaching method of Ethiopian law school is divorced from the legal system and is not responsive to the needs of stakeholders like student, local institutions, the society and the government.² This has largely injured the quality of law schools and consequently resulted in producing students lacking practical skills. The chaos is further protracting given that quality legal education and training is a key element in maintaining the quality and accessibility of justice.³ Understanding this fact, attempts have been made by Law Schools to offer practice-oriented courses in the form of 'Practical Attachment', where students are placed in various legal institutions during the summer break.⁴ This was, however, unsuccessful as it lacks uniformity and its implementation was full of fragility. As a solution, further than incorporating skill oriented and clinical

¹ Abdi Jibril Ali, The Need to Harmonise Ethiopian Legal Education and Training Curricula, Ethiopian Journal of Legal Education, Volume 4, No. 1, 2011. P.51- 55

² World Bank, Ethiopia: Legal and Judicial Sector Assessment, The World Bank, 2004 available at www.worldbank.org (last visited on 12/02/2015)

³ See for example, Henok G. Gabisa, Justice Sector Reform, Judicial Independence and A Diminished Judicial Power in Ethiopia: Lesson from South Africa, A Paper Presented on the Twenty Years of South African Constitutionalism Workshop, November 13-16, 2014 available at https://www.google.com.et/?gws_rd=ssl#q=Henok+G.+Gabisa%2C+Justice+Sector+Reform%2C+Judicial+Independence+and+A+Diminished+Judicial+Power+in+Ethiopia:+Lesson+from+South+Africa%2C+A+Paper+Presented+on+the+Twenty+Years+of+South+African+Constitutionalism+Workshop (last visited on 12/02/2015)

⁴ World Bank Supra note at 2

courses the 2006 reform went farther by adopting externship as mandatory course of 12 credit hours.⁵ Incidentally, with all limitations, an attempt is made to prepare national guidelines and policies for the newly saluted externship program.⁶

In this program, which lasts approximately three months, students are expected to practice in courts, public prosecution, others administrative offices, private law firms, and international and national non-profit organizations and finally make report to the school.⁷ While attempt to implement externship, however, Ethiopian law schools are facing challenges of several kinds.⁸ Appallingly, these problems are, in one way or another, problem of all Ethiopian law schools though the magnitude may show a variance due to difference in organizational structure, staff and student composition, budget, management and other facilities. While the very objective of the externship program is big, the practice in law school is fragmented.

This being the case, the externship program, though started since 2006, to the best knowledge of the author, it has never been studied. Unless studied and discussions are triggered, problems encircling the program cannot be solved. Therefore, as law schools have stayed with the concept of externship for more than five years, it's time to question the practice. The main point of this paper is to examine how law schools are executing the externship program. Mainly, the paper provides with an overview of externship policies, procedures and limitations attributable to the hosting organization, the law school, the student and the supervisor. In my experience, these stakeholders of the externship program have now facing difficulty of implementing the program in its totality. This paper provides a thumb-nail sketch of the way in which the whole teaching learning process in general and the externship program in particular has traditionally been taught in Ethiopian law schools. I will argue that the optimal use of the externship program in law teaching depends on moving away from this traditional approach of emphasizing lecturing and mocking the externship and clinical programs.

The original version of this paper was presented in a workshop organized by Debre Markos University Law School in 2013. Many of the participants including woreda and zonal court judges, public prosecutors, government and non-government organization heads, students and instructors have suggested a range of ideas for the improvement of this paper. This paper was also presented in the 4th Annual National Research Symposium of Wolayta Sodo University and an attempt is made to incorporate those comments and suggestions. With a view to further identify problems attributable to law schools, students, supervising lecturers and hosting institutions in the implementation of the externship program, I tried to orchestrate some questions in the form of interviews. Many of the 'status determinations' and comments I quote (some of which have been lightly edited) come from four types of sources: legal education literature, books and articles on higher education, my own experience, and interviews with law school deans, senior lecturers and students. At this time, I understand that this research method failed to observe the acknowledged scientific investigation standard. For instance, the selection of law schools, deans, instructors, and students is so random and doesn't follow the conventional sampling techniques. So far, however, I have a firm belief that many of the problems are famed over-facts demanding no systematic investigation. I emphasize the judiciousness of the problem and significance of the paper. As the paper tries to set the entire framework of the externship program, beyond triggering academic discussions, the author has definitely believe that this work can serve as a guideline to students, law schools, instructors and hosting organization take parting the externship program.

2. Developments in Legal Education: Towards Practice

Legal education and its advancement in the world is the story that has been told frequently. More importantly, with the globalization of legal education in recent times, it has also been a centre of academic writings in the world, Africa and Ethiopia.⁹ This can be evidenced from the proliferated law and development theories of the 1950s, and the following years, that centre law, legal institutions and legal education as a precursor for the development of a nation.¹⁰ The war demolished Europe, the decolonized African continent and the modernization optimist Ethiopian Empire had all dreamed reform in law and legal education in 1950s and 60s. In Ethiopia, for example, relatively many articles and commentaries have been written through Ethiopian journal of legal education. Several names can be called and various works can be cited to evidence the developments of legal education in the world, Africa and Ethiopia from theory to practice. For the purpose of this paper, however, I opt to show the move in legal education by providing an academic discussion on the works of only some legal scholars. Their works muse on legal education in the world, Africa and Ethiopia as is going to be illustrated under the following paragraphs.

Erwin Chemerinsky¹¹ argued that it is long overdue for world law schools to do more to emphasize experiential education and they shall begin to rethink the aspects of their curriculum for legal education in the twenty-first century. According to him, the previous approach, which was coined by western law schools in the 19th and taught countless generations of lawyers, has high theoretical orientations. The emphasis on theoretical statute/ precedent teaching in relatively large classes was cost-effective and strategic to easily analyse issues and develop legal arguments. However, only few law graduates are ready to practice law and serve the society. His conclusion is that the most important change that is needed in law school is to ensure that every student has practical law experience by delivering clinical and skill courses and appealing to externship programs. He show the way that meaningful reform in

⁵ Ibid

⁶ Tewodros Halfom, Externship Program Guidelines, Prepared under the Sponsorship of the Ethiopian Justice and Legal System Research Institute (unpublished), 2009

⁷ Ibid

⁸ Supra mote at 1 P. 74

⁹ Cf. Mortimer Sellers (eds), The Internationalization of Law and Legal Education, Springer Science and Business Media Publisher, 2008

¹⁰ Karen Tokarz et als, Legal Education at a Crossroads: Innovation, Integration, and Pluralism Required!, Washington University Journal of Law and Policy Vol. 13, No 11, 2014, Pp.11-57

¹¹ See Generally, Erwin Chemerinsky, Rethinking Legal Education, Harvard Civil Rights-Civil Liberties Law Review, Vol. 43, Pp.595- 598

legal education requires that law schools do far more to emulate the way medical schools train doctors, where students spend much of their time by observing patients and participate in their diagnosis and treatment.

Samuel O. Manteaw¹², a Ghanaian attorney and lecturer, on his part, argued that the type of lawyer that Africa need is not known yet and African schools or institutions are not producing the type of lawyer Africa needs. African legal education is colonized even in Ethiopia and Liberia. According to him, currently, African law school curricula have strengths in consisting broad-scoped pedagogy sensitive to different legal systems of the world. However, lack of practical legal knowledge is stayed to be a teething difficulty that trimmed the hands of lawyers from contributing their share in the development of a continent. Lack of legal clinics and laboratories, over-reliance on lecture teaching methodology, Emphasis to teach positive law and lack of perspectives on African values, scarce legal aid support services, lack adequate learning resources etc. are some of the causes for lack of practical knowledge in Africa. This way, students, tomorrow's legal practitioners can't be sensitized to local needs and aspirations of local Africans. he underlined that it is practical skills such as counseling, reasoning and advocacy, dispute settlement methods, law office management, computer applications, legal writing and drafting, construction of documents etc. that enable students to handle practical problems, hold interdisciplinary responsibility and use of law as an aid to development. Finally, he recommended that African law schools need to adapt a new paradigm in legal education by emphasizing on research, development and skill oriented courses and strengthening practical skills training programs such as externship and justice training programs.

Abdi Jibril Ali¹³ has no different position, certainly. He vibrantly asserted that Ethiopia is not colonized geographically speaking but then, very similar to the rest of colonized states, Ethiopian legal education and legal knowledge is colonized. Johnstone once wrote that law faculties in Ethiopia, Liberia, Tanzania, Ghana, and Nigeria have had the most American law teachers and in about that order, but, except in Ethiopia and Liberia, Americans have been a minority of the expatriate law teachers on staff, those from Great Britain and other British Commonwealth countries normally predominating.¹⁴ The relative importance of Americans in Ethiopian and Liberian legal education is probably due in part to those countries not having been colonies of European powers, because in most African countries for some years after independence, the dominant expatriates in higher education and many other aspects of life have been from the former ruling nation.¹⁵ Unquestionably, the AAULS curriculum produced a number of lawyers for the country and recognition shall in no way be denied for '*hors d'oeuvres*'. However, it was a reflection of American Legal Pedagogy with theoretical orientation and was litigation motivated.¹⁶ Graduates lack necessary skills to become practitioners and respond to the multifarious needs of stakeholders such as government, students, the poor and the business community.¹⁷ For Ethiopia's law schools have retained curriculum that emphasizes theory over practical experience graduates often enter the legal profession poorly equipped. According to World Bank the shortage of trained lawyers is severe problem for the country but merely certifying schools and granting law degrees or certificates to poorly-trained students would not address the needs, and instead would worsen the overall situation in the long run by infusing incompetent graduates into the system, who might predictably seek judicial or other public-sector positions.¹⁸ One possible option is to implement experiential learning environment within law schools to provide practical experience to prepare law students to actually practice law and equip them with needed skills prior to graduation. The creation of legal clinics, for example, within law schools provide practical training for students and at the same time address problems of access to justice by the poor and other vulnerable groups in the country.

With this understanding, the 2006 curricula is made to incorporate many skill oriented courses (such as legal research method, legal writing, pre-trial skills and trial advocacy, appellate advocacy and appellate moot court, judgment writing, externship and clinical programmes), clinical courses, the externship platforms and justice training programs.¹⁹ The reason here is to remind substantive issues, enrich them with practical legal skills and enables students to assume responsibility, serve the community with self-confidence, and appreciates the gap between law and practice. However, Ethiopian law schools are facing serious problems in delivering skill oriented and clinical courses and carrying out the externship programs. Absence of qualified staff, resources limitations, low access to access to legislation and decisions, inferior course materials, absence of cooperation with nearby legal institutions, difficulties in supervising students, lack of faculty autonomy etc. are still bottlenecks to bank students with practical skills.²⁰ Meaning, we are not still good enough to transform our legal education long after colonists reform their system. Our law schools, instructors and students alike still insist on classroom lecturing.

Unmistakably, lack of practical skills (capable solving societal problem) is the setback of the entire education system of the country. The expansion of a university system (and law schools) in Ethiopia practically leads to financial constraints, staff shortages, leadership discrepancies and swift education system.²¹ According to William Saint, these problems are agonizing for engineering, health and law disciplines as hurried teaching learning processes can't provide time and resource (both human and financial) for experiential learning

¹² See Generally, Samuel O. Manteaw (Ghanaian Attorney and Lecturer), Legal Education in Africa: What Type of Lawyer Does Africa Need?, McGeorge Law Review, Vol. 39, 2008

¹³ See Generally, supra note 1

¹⁴ Quintin Johnstone, American Assistance to African Legal Education, Yale Law School Legal Scholarship Repository 1899.

¹⁵ Ibid

¹⁶ Ibid

¹⁷ Supra note at 2

¹⁸ Ibid

¹⁹ Reform on Legal Education and Training in Ethiopia, (Unpublished), 2006, (on file with the author)

²⁰ Supra note at 1

²¹ William Saint, Higher Education in Ethiopia: The Vision and Its Challenges. JHEA/RESA Vol. 2, No. 3, 2004, pp.83-113 See also University World News, Kate Ashcroft, 'Ethiopia: Dilemmas of Higher Education Massification', 05 September 2010 Issue No: 61 available at <http://www.universityworldnews.com/article.php?story=20100903174508343>, (last visited on 12/02/2015)

through laboratories, field works, moot courts, internships, externships, apprenticeships, etc. Lemlem Telila once argued that albeit education has remained essential for the country to come out of poverty, Ethiopia's education (from primary to higher education) is plagued by the prevalence of poor quality.²² According to her, among other causes such as administration, material provision and staff quality limitations, the fact that the country's educational is theory oriented, student exclusive (non-participatory) and divorce from the practice are the main reasons for the poor quality of education (especially at tertiary level). In Ethiopian schools and universities, the caliber of a student is, for the most part, measured not by his reasoning or analytical aptitude but how fast and accurate he could memorize volumes of teaching materials, notes or whatever the teacher told in the class. As such inquisitiveness is discouraged and applied knowledge that serves the poverty reduction efforts has stayed to be meager and miniscule. This has rather an exceptional implication in law schooling and legal profession. Dr. Girma W.Selassie exactly marked that for a lawyer how well he thinks may make the difference between life and death and, to reason and to persuade are the staples of his profession.²³ According to Dr. Girma, the lecturing system in its purest form where students are least participatory is an extremely inadequate methodology for the teaching of law. The need for experiential learning can also be justified from the vantage point of the existing disparaging repercussions of law schools on students. Gerald F. Hess argued contemporary Legal education, which emphasizes on linear, logical and doctrinal analysis, has a number of disturbing effects of law school on law students.²⁴ According to him overwhelming workload, intimidating classroom dynamics, excessive competition, lack of feedback and one directional communication has primed law students to experience law school environment as stressful, intensely competitive, and alienating and they lost self confidence, motivation to do public interest work, and their passion for learning. He, then, proposed structural reforms in legal education, which, among other things, include the implementation of academic support programs, inclusion of practice oriented courses and participatory learning environment. `

Therefore, worldwide we are witnessing dramatic global transformations in legal education, where *simulation-based courses*, '*in-house clinics*', and '*externships*' dominate the methodology than complete engagements in concept based class room lectures.²⁵ Additionally, active learning techniques such as discussion, problem solving, simulation, and field work, where students are involved in the learning process are the preferred teaching modalities for adult education at higher education institutions.²⁶ Literatures justify this development from the perspective of students and the general interest in legal education. In the first place, pedagogically, it is ascertained that students who are being educated experientially are involved in all three domains of learning:²⁷

- The *cognitive domain*: students developed increasingly complex sorts of understandings and analytical processes and acquire skills that range from simple recall of facts, through the ability to apply prior knowledge to solve new problems, up to the ability to evaluate the use and implications of one's knowledge. In law school, these skills involve the understanding of substantive law, legal process, and related matters such as professional responsibility.
- The psychomotor or performance domain: students developed complex patterns of physical or motor activity such as lawyering activities, which are skills beyond legal analysis and reasoning, including legal research, factual investigation, counselling and the management of legal work.
- The *affective or feeling domain*: This is a point where students develop necessary values, attitudes, and beliefs on personal and professional issues. Meaning, law students could ascertain how they feel about their competency as lawyers, how they relate to the client, how they respond to problems of professional responsibility, and how their values inform their role etc.

In this way experiential learning nourish a student with the necessary knowledge and skill about law and legal practice, which intern benefits a student, the profession and the society. Predominantly, it gives students opportunities to be actively involved in their own education, and it has positive effects on their motivation and attitudes toward the profession and the society. On the other hand, the involvement of students in a legal education helps the school and the educator improve the quality of teaching and learning law.²⁸ That's why world law schools are now determined, no less than theoretically, to implement practice oriented legal education. Having this developments in legal education, I can scholarly conclude that, with all problems at hand, offering skill oriented and clinical courses, practicing externships programs and strengthening justice training programs is a must for the contemporaneous Ethiopian

²² Lemlem Telila, Review of Some Recent Literature: Identifying Factors that Affect Ethiopia's Education Crisis, Ethiopian E-Journal For Research and Innovation Foresight, Vol. 2 No 2, 2010, pp. 56-68

²³ Dr. Girma W.Selassie, Some Nostalgic Thoughts on the Teaching of Law in Ethiopia, Mizan Law Review, Vol1 No1, 2007 Pp. 120-133

²⁴ Gerald F. Hess, Heads and Hearts: The Teaching and Learning Environment in Law School, Vanderbilt University Law School Journal of Legal Education, Vol. 52, No. 1 & 2, 2002, Pp.75-111

²⁵ Roy Stuckey and Others, (1st eds), Best Practices for Legal Education: A Vision and A Road Map, University of South Carolina Publications, 2007 p.121 Here it is important to differentiate these three kinds of practice oriented teaching-learning methodologies. In *simulation-based courses* Students assume professional roles and perform law-related tasks in hypothetical situations in their class room discussion. *An in-house clinic* is a situation where students represent clients or perform other professional roles under the supervision of members of the faculty. Whereas *externships* is a more developed chapter where students represent clients or perform other professional roles under the supervision of practicing lawyers or they observe or assist practicing lawyers or judges in their work. Externships are curriculum included courses in which a significant part of the learning relies on students either representing clients or performing other professional roles under the supervision of practicing lawyers or observing or assisting practicing lawyers or judges at work. Note that beyond observing or assisting lawyers, like in the case of in house clinics, students are expected to actually engage in law practice with the expected code of conduct for the profession. In the mean time law school control the externship courses through Field supervisors, who supervise, teach and examine students at the field placement sites where students are working.

²⁶Gerald F. Hess, Listening to Our Students: Obstructing and Enhancing Learning in Law School, University of San Francisco Law Review, Vol. 31 No. 4, 1997, Pp. 941- 964,

²⁷ Supra note at 25, Roy Stuckey and Others, p.122

²⁸ Gerald F. Hess, Student Involvement In Improving Law Teaching and Learning, University of Missouri-Kansas City School of Law Review, Vol. 67 No.2, 1998, pp.343

legal education. The logic is that if students don't participate in these packages, they can get no place to acquire experiential legal knowledge, which is a basic of development. Principles that are learned in the classroom, that are rightly often abstract and theoretical, become concrete and real when put in the context of a real case on behalf of an actual person. If not a student could only take experience after injuring the justice and legal system of a country. For the last five years, I have been one of the lecturers and externship supervisor at DMU Law School and it is so spectacular to observe a student placed in government and non-government agencies, writing briefs, arguing real case with all of its messiness and complexities, dealing with an actual appellate record, adhering court and general office procedure. Yet, it is not more than a better to have than never. For example, the school has neither close tie with courts, police, ethics and anti-corruption offices, prison administration etc. nor it built conferences and moot court halls so as to effectively deliver skill courses.

Indisputably, the 2006 curriculum, which is further consolidated in 2013, has introduced magnanimous developments in the Ethiopian legal education and basically, the very introduction skill courses and the externship program as supported by justice training programs, with specific educational objectives, is a development by itself.²⁹ This is, however, with all limitations as will be sketched out and discussed under section 4 of this paper. The externship program, as outlined in the national course syllabus, is made to accomplish several educational objectives such as;³⁰

- Enabling students to develop an experiential understanding of what lawyers and judges do and how they do it, by observing and assisting in their work
- Facilitating students' career planning
- Developing students' abilities to reflect on and learn from their experience;
- Providing students with an opportunity to see how analytical skills and doctrinal knowledge apply in practice. In particular, these programs should enhance students' understanding of how ethics, strategy, tactics, and judgment influence decision making by lawyers and judges.
- Acquiring insight into the workings of various aspects of the legal system and profession;
- Encouraging students to develop technical lawyering skills, such as client interviewing, client counselling, investigation, negotiation, research, legal writing, and trial and appellate advocacy
- Encouraging a sense of professional responsibility
- Establishing smooth relations with the hosting organizations to further boost community service and research endeavours.

Gazing these objectives one can basically appreciate the thorough role of the externship program in enhancing students' understanding of the country's law and legal system and contribute their halves in the use of the legal system to the development of the country.

3. The Concept and Importance of Externship in Legal Education

The term externship is derived from the Latin term '*externus*' meaning job shadowing supervised practices done off campus (away from the affiliated institution) with close supervision of the hosting organization.³¹ As an experiential learning opportunity, it is usually compared and contrasted with internship, which is known and very much practiced in medical schools to offer students short practical experiences in their field of study with no or minimum academic credit, albeit it is often supposed that externships are less extensive than internships and, in the legal profession, these terms are used interchangeably.³² Literatures have tried to characterize that externship serves as an external study that combines classroom knowledge with real-world experience preparing students for the transition from school to career.³³ With the help of law school and hosting organization, during the externship period, students can examine legal doctrines and practices, earn academic credit, and establish networking and job placements. This makes an externship program a logical enhancement to the world law school's current curriculum as designed to provide advanced opportunities to develop legal skills and foster interdisciplinary experiences. In the same way, it is a therapeutic drug for the legal education of Ethiopia, which has been criticized for producing lawyers with little understanding of what the actual practice of law involves.³⁴ A student that is not well acquainted with practical skills such as understanding the works and responsibilities of legal institutions and the needs of customers would face unbridgeable difficulty in realizing the theoretical knowledge into practical terms for the benefit of a nation. That is why our law schools have recently responded with a number of pedagogic changes based upon the actual practice of law, ranging from clinical programs to incorporating skill courses and it is with the same rational that the externship program is gazed with thorough field placements. Now let's see some of the realistic advantages of the externship program.³⁵

²⁹ Supra note at 1

³⁰ Supra note at 6, p.3

³¹ Kelly S. Terry, Embedding Assessment Principles in Externships, *Clinical Law Review*, Vol. 20, 2014, Pp. 467-515 At this juncture it is important to note some of the slaying elements under this definition such as '*job shadowing*', '*supervised practices*', '*done off campus*', '*affiliated institution*' and '*hosting organization*'. First, externship is an experiential learning environment where students learn the actual practice. Second, students learn this course outside their campus i.e. in the actual employment place. Third, students can't learn the course independently but with close supervision of the two bodies: the affiliated and hosting organizations. Understanding these elements can plainly enlighten the nature and importance of the externship program.

³² Ibid

³³ Ibid

³⁴ Supra note at 3

³⁵ Many of these qualities of the externship programs are found to be the genuine by quite a lot of empirical researches in foreign law schools. Of course, as my callous interviews and questioners evidently indicated, Ethiopian law school deans, instructors and students have similar appreciation of the program.

To begin with, during the program students experience the work of judges, the registrar, police, prosecutors, attorney, and other legal institutions such as human right and ombudsman agencies etc. This is quite an exceptional and exciting opportunities to learn and improve many of legal skills such as research, reasoning, writing, drafting and briefing. For example, a student would not be allowed to argue or decide a case, but he/she would have a front-row seat to seeing how a case is properly argued by an established attorney and decide by a presiding judge. Their participation in legal research, trial or pre-trial advocacy, gives the extern the chance to become accustomed to the pace of an average activities as well as working environment. Hence, field placement programs enable students to develop detailed technical lawyering skills, such as client interviewing, client counseling, investigation, alternative dispute resolution, legal writing, research, advocacy at different levels (trial, pre-trial and appellate) etc. In addition, students could have a practical understanding of how ancillary matters such as ethics, customer handling, punctuality, industriousness, interpersonal skill etc. affects the works of legal institutions or justice administration in general. L. L Cooney once asserted that Lawyers trained to be professionals lack interpersonal skills and have not been trained in how to respond to the anxiety, hurt feelings, and other emotions of the society.³⁶ As a solution he provided the Therapeutic Jurisprudence, which is related to the realist theory of law and underline the irreplaceable role of experiential learning in law schools, can help students to minimize their outlying to the practice environment. Above all, "Being a lawyer isn't always about the law", he complemented. There are many societal concerns only the real world experience would give a response. This helps the student to develop new thinking beyond the dry value of the law.³⁷ For example, the extern will develop an appreciation for the unmet legal needs of the poor and to evils of statutory and administrative gaps. No doubt the extern could found unclear and conflicted laws and practices but he/she could learn how practitioners analyze and apply contradictory or ambiguous laws in terms of their effect on and the context of the society. Generally, the externship bridges the gap between theoretical knowledge from law school and the practice of law so that students can step into their role as proficient practitioner. This way, acquiring practical skills impacts not only the career development of the extern but also the future justice administration of a country.

In an externship, a student work under the guidance, assistance and feedback of an experienced professional. This can help students, beyond acquiring necessary skills, to gauge their strengths and weaknesses as well as their abilities and preferences and determine a focus in their career and begin to plan for life after graduation. For example, a student who is thinking of becoming a judge may decide to change his focus after he experiences the long hours and pressure of the job. In this regard, participating in an externship is a way to discover more not only about a profession, but also about oneself. An externship can reveal skills, habits, likes and dislikes of which a student was previously unaware. In an externship, an extern will learn to focus, discipline and manage time properly, skills that are extremely valuable in any field. The experience of an externship can teach the extern more about the inner workings of the business world.

Another benefit that externship has for a student is networking. Externship experience is meant to introduce a student to like-minded workers who might become part of student's professional world in the future. Even if a student decides that the profession of the externship does not fit with his choice, the experience can still be an invaluable source of contacts and even potential references. Students can benefit from networking opportunities because during an externship, government and non-government institutions give students the opportunity to shadow several and different people. This gives students the chance to display their interest in the field and their ability to contribute to that particular office. A student will meet employees, supervisors, institution representatives, clients/service seekers and even other externs who may become excellent networking contacts.

Finally, as evidenced from various researches, though highly beneficial to the students, it is important to note that benefits of the externship does not restricted to students. Hence, it is vital to note that though the first objective of the Externship Program is to teach students, through practical experiences, about the operation of the legal system and the role of lawyers in that system, it would have further goals.³⁸ The externship program has momentous meaning to the affiliated and hosting institutions as well as the society. It is these paybacks that the externship extends for the student, the law school, the hosting institution and the society that attract the introduction of externship into legal education in recent years. The fact that an institution host students on externships gives them the opportunity to view possible recruits and to advertise the institution to the next generation of workers. In many cases, if a student impresses the institution the latter may offer the student a position in the future. Beyond this, during the externship a student can help the institution and relief some burdens. It also strengthens the relationship between the hosting institution and the law school, which is expected to help the institution through trainings, researches etc. From the Law School's perspective, students have the opportunity for a highly self-conscious relationship to an actual practice experience, in a way that would have been much more difficult and less effective had it come only from the theoretical class. Here hosting institutions are serving as exceptional lecturers without using the resources of the school. Moreover, those daunting and encouraging experiences of the hosting organization, as discovered by the student extern or the supervising instructors, can be used as a finest research and community service thematic area for the school. In due course, the school is attaining and strengthening its major objectives of establishment such as teaching learning, research and community service.³⁹ The externship program has a special meaning to the society or the country at large. To begin from the least, during the externships students, who already took all necessary courses, will provide public/community service without receiving salary from the tax payers- akin to pro bono services. In the long run, the nation is building the future justice administration. To sum up, the full implementation of the externship program rewards the student, the school, the hosting organization and the nation.

³⁶ Leslie Larkin Cooney, Heart and Soul: A New Rhythm For Clinical Externships, St. Thomas Law Review, Vol. 17, 2005, Pp. 407,

³⁷ Cf. Ruti Teitell, Transitional Jurisprudence: The Role of Law in Political Transformation, The Yale Law Journal, Vol. 106, 2009, pp.2010- 2080

³⁸ See For Example, University of Maryland School of Law, Policy Statement on Externships, Revised By Faculty Council, February 3, 2011 available at www.law.umaryland.edu/academics (last visited on 12/02/2015)

³⁹ Higher Education Proclamation No. 650/2009, Federal Negarit Gazeta, 15th Year No. 64, 17th September, 2009, (Hereinafter Higher Education Proclamation) Art. 4 Cum Art.8

4. Implementing the Externship: Whose Role or Fault Is It?

Under the preceding parts of this paper, an attempt is made to briefly chart out developments in legal education, the concept and importance of the externship program. It is specifically learned that the legal education needs to be practice oriented ahead of the common rhetoric theory based legal education. As the importance the externship program is incontrovertibly acceptable, it is time to do too promptly the implementation. Implementing the program demands the close collaboration of several stakeholders including, the student, the affiliated law school, the student the hosting organization, the supervisor (from the school or at the host organization). Meaning, the implementation of the program rests primarily on the shoulder of these bodies and any sort of trouble facing the program is attributable to them.⁴⁰ As the main purpose of this section is outlining who these stakeholders are and what particular responsibilities are incumbent up on them, I want to question whether law school, students, supervising instructors and hosting organizations do have legally established obligation. The moral and legal responsibilities of the law school, the student extern and the instructors can easily be inferred from the country's Higher Education Proclamation or the different rules of each university.⁴¹ The point becomes an issue when we come to the hosting organization. The moral obligation is clear and acceptable, but whether hosting organizations have a legal duty to host the extern is disputed time and again. In a workshop organized by law schools on Externship program several arguments were raised. For example, judges and public prosecutors argued that hosting organizations are not legally responsible to train an extern student unless and until they willingly sign an agreement to that effect. However, a friend of mine argued moral obligation is volatile and unless we establish a legal foundation that makes hosting organizations responsible we can't have a sustainable solution. Since then we were eager to find a way out. Fortunately, we find a Proclamation Technical and Vocational Education and Training.⁴² This proclamation has introduced an innovative thinking in the Ethiopian education system, I can say. The cumulative reading of the different paragraphs of the Preamble clearly affirms that if we need to have competitive and enduring organizational set up through the employment of trained manpower, we have to establish a system under which trainees undergo apprenticeship training in the governmental and non-governmental organizations with close supervision of the training centre. For these purpose, under Article 2(13) and (12), it defined "Apprenticeship" as a job training undertaken by a trainee in an organization pursuant to an agreement concluded among a training institution, an organization and trainee to enable the trainee to put to practice the technical and vocational education and training he acquired in a training institution and to be acquainted with work and an "Apprentice" as a person undergoing apprenticeship pursuant to a tripartite agreement concluded among a training institution, an organization and a trainee. Moreover, part three of the proclamation (art. 19-24) regulates the details of apprenticeship by particularly defining hosting organizations, training institutions, the apprentice and their tripartite contract of apprenticeship along with their responsibilities. Hereunder, I reproduce some of these provisions as they are found to be relevant to draw comparative experience.

4.1. Article 21 Duties and Responsibilities of Organizations

Every organization selected for apprenticeship training shall have duties;

1. To receive and provide apprenticeship training to trainees,
2. To assign the apprentice in the place appropriate to his training and to ensure that the apprentice acquires proper work experience,
3. To assign a capable supervisor who would enhance the knowledge and skills of the apprentice and should follow up and evaluate the day-to-day performance of the apprentice,
4. To acquaint the apprentice with work rules and methods of the organization,
5. To consider the trainee as a regular employee and to provide him the necessary inputs;
6. To respect and enforce human dignity of the apprentice;
7. To evaluate the performance of the apprentice and transmit the results to the training institution.
8. To forward opinion to the concerned organ as to the competency of the institution by inspecting the skill that the trainee acquired.
9. To cooperate and work in coordination with training institutions;

4.2. Article 22 Duties and Responsibilities of Training Institutions

Regarding apprenticeship training, every training institution shall have duties and responsibilities as provided hereunder:

1. To assign a coordinator who shall follow up and control apprenticeship training undergone by trainees;
2. To prepare operational guidelines and detailed programs and for their implementation, to cooperate and work in coordination with organizations;
3. To utilize result of performance evaluation relating to apprenticeship training as a criterion for certification.
4. To improve the futurity of the training by receiving opinion from the institution.

4.3. Article 23 Duties and Responsibilities of an Apprentice

Every apprentice shall have duties and responsibilities as provided hereunder:

1. To diligently perform the apprenticeship training;

⁴⁰ This is not of course only my position: literatures have similar assertion and my interviewees have no different observation.

⁴¹

⁴² Proclamation to Provide for the Organization of a Technical and Vocational Education and Training System, Proclamation No. 391/2004, Federal Negarit Gazette, 10th Yr. No.26, March 1st, 2004 (Hereinafter Technical and Vocational Education and Training Proclamation)

2. To utilize with care and economy tools, equipment and materials supplied to him for training purposes
3. To be acquainted with and to observe work rules and methods of the organization to which he is assigned for apprenticeship training;
4. Without prejudice to the provisions of other laws, not to divulge to any other person work secrets of the organization that he acquired in the course of his apprenticeship training;
5. To immediately inform the concerned body, when he becomes aware of, any event or fact which may be a threat to his or others' health or life, or which may affect the interests of the organization

4.4. Article 24 Contract of Apprenticeship

Contract of apprenticeship shall be concluded among a training' institution, an organization and an apprentice, and shall contain the following;

1. Full name and age of the apprentice;
2. Name and address of the training institution;
3. Name and address of the organization;
4. The occupation in which the apprentice is intended to undergo apprenticeship training;
5. The date on which the apprenticeship shall start and its duration; and
6. Conditions for the termination of the contract of apprenticeship

This proclamation has brought a remarkable experience to the legal education of Ethiopia, wherein externship, which has analogous characteristics, is put into operation. However, its scope of application can be quizzed as article three stipulates 'this Proclamation shall apply to all training institutions, organizations and the organs implementing the same'. Then, we can't claim the direct enforcement of this proclamation to the affairs of university law schools. Yet, they are very helpful in improving the implementation of the externship program together with the experience of different law schools in foreign jurisdictions. This proclamation and experience of foreign law schools can only be taken as doctrinal sources, without binding force but with somber ramifications. Therefore, under this section, I am going to make out the conventional roles of each stakeholder and existing margins in executing the externship program in Ethiopia.

4.4.1. The Affiliated Institution

Currently, as private institutions are barred to undertake law education, it is law schools of public higher education institutions (universities) that are considered as affiliated institution.⁴³ Law school of each university is primarily responsible to implement the curriculum in accordance with the broad national objectives, Who are expected to set the whole framework for the externship program, prepare operational guidelines, collaborate with hosting organizations, allocate necessary budget, assign a coordinators and supervisors, monitoring the program and student extern, improve the futurity of the training, etc..⁴⁴ However, while attempt to implement externship program Ethiopian law schools are facing several challenges and with these challenges externship can't be implemented in its totality. Principally, the externship program require law schools to have adequate resources i.e. sufficient facilities, equipment, staffing etc.⁴⁵ Each law school in Ethiopia, as already noted, has to send its students to their localities for the purposes of externship and these students should be supervised by law schools and host institutions. This demands huge and quality human and material resource, which is mostly unaffordable as experienced staffs and material annuities are the headaches of law schools of Ethiopia. Moreover, their collaboration and partnership schemes as well as project development and management practices are weak and fragile to support the externship program.

Absence of formal and pre-existing relations with hosting- government and non-government- organizations is another rasping problem in implementing externship program. This particularly impedes law schools from offering quality and variety of externships. Once law schools have no officially established collaborative acts (for example, through the signing of Memorandum of Understanding) with hosting organizations, the later senses no (legal or moral) duty to admit, supervise and assign appropriate tasks for extern students. In foreign jurisdictions, law schools have established formal relationships with several institutions so that they can place their students

⁴³ The Ministry of Education, through a directive, issued on August 26, 2010, banned the involvement of private education institutions in the areas of law and teachers' education program condemning them as 'scams and diploma mills'. Though the very concern is said to be the concern for educational quality, several private education institution owners and leaders described the directive as ridiculous decision that affect a number of students and institutions. Several columnist challenge the policy for it reinforce monopoly. There are also arguments averring that the wholesale elimination (de-accreditation) of private programs by a "directive" is a flagrant violation of Higher Education Proclamation No. 650/2009 (art. 81 ff), under which the Ministry have the authority to regulate and revoke accreditation of a private institution (not to impose summary or wholesale ban) which fails to meet the standard on case by-case basis. This is, therefore, an *ultra vires* act and moreover the directive unconstitutionally deprives the property rights of owners under art. 40 of the FDRE Constitution. Supplementary arguments can be found at Alemayehu G. Mariam, Professor of political science, 'Ethiopia: Indoctri-Nation', <http://www.huffingtonpost.com/theworldpost>, Posted: 09/05/2010 (last visited on 13/02/2015) Volume 11, See also Mikias Sebsibe (Fortune Staff Writer) 'Education Ministry Bans Distance Learning... Law and teaching are also banned for private institutions' Fortune News Paper, a weekly business newspaper, No. 539, Published on August 29, 2010

⁴⁴ Cf. Art. 22 of the Technical and Vocational Education and Training Proclamation

⁴⁵ Resources and facilities of all law faculties are quite limited and variable across them. The serious deficiency in legal education, namely its availability, quality, and facilities has widespread negative implications for access to justice. One possible option is to create legal clinics within law schools to provide practical experience to prepare law students to actually practice law and equip them with needed skills prior to graduation. The use of the word 'clinic' prompts the analogy of trainee doctors meeting real patients in their medical clinics. It is difficult to conceive of a doctor qualifying without ever examining a living body, or of scientists completing their education without setting up practical tests.

for specific purpose.⁴⁶ For instance, they offer the externship opportunity not only to graduating students but also second, third or fourth year students in the form of externship on family law, externship on criminal law, externship on prisoners right, externship on child right, contract law etc.⁴⁷ This widens the room to inquire ambiguities at law schools with the help of their instructors and school facilities such as libraries and subscribed websites.

The location of many of the Law schools of the country is another depressing likelihood for the externship program. For example, Debre Markos University is found in a close proximity to many of Zonal and Woreda government departments and this is an advantage for students who opt to assume the externship in Debre Markos Town with close supervision of their instructors. However, absence of non-governmental organizations, strong law firms, international and regional organizations etc. in the city is a discouraging coincidence. Of course students may be placed in their locality, albeit I am afraid if they got anything different, but had there been such institutions in Debre Markos, they would rather prefer to stay here. Unquestionably, their absence has even affect the delivery of clinical and skill courses.

Language problems give rise to various problems of administration and resources. The language of instruction in higher education in Ethiopia is English and many of the law references are written in English.⁴⁸ However, English is neither the official nor the working language in Ethiopia because while Amharic is the Federal Government's working language regional states have their own official languages.⁴⁹ The implication is that after graduation some students work in Amharic, others work in other languages of regional states. Meaning, during the externship law schools should try everything possible so that students can get this exposure. However, enabling a student to undertake the externship in a language, where a student is expected to work after graduation require administrative and resource determination. For example, Debre Markos University has to send students from different areas to their respective localities and supervise accordingly. Beyond the financial yoke, supervision as well as report can be difficult, as staff members may not speak the language in which their students are conducting externship.

Lack of comprehensive standards is another constraint in the Ethiopian law schools. As there is no enforced guideline regulating the details of the externship, students are not assigned to tasks that enhance their educational objectives in the externship program. Similarly, law schools devise no mechanism of assuring the work assigned to students is likely to help achieve educational objectives. There is a report and presentation practices at the end of the externship period and a student is evaluated accordingly together with evaluation by the hosting organization. As we unanimously could know all these evaluations are fakes and incompatible with the objectives of the program. We know that law schools often receive exaggerated results from hosting organizations and instructors, who supervise or read the reports of the student extern. By and large, the current guideline has tried to describe the program, outline course objectives, the rules and regulation to be followed in the administration of the externship, student eligibility and selection criteria, and credit allocation. Yet, as a national guideline it failed to comprehensively and clearly point up the responsibilities of the student extern, the supervisor, the school and the hosting organization in enforceable terms. More importantly, however, since the national guideline is prepared as a yardstick resource, Law Schools shall adopt their own detailed rules on how Externship Programmes should be conducted in their respective quarters. Because law schools have failed to set the whole framework for the externship program and prepare operational guidelines, they failed to monitor and progressively improve the futurity of the program. The practice of summoning comments from hosting organizations, students and supervising instructors with a view to improve the program is scarce.

4.4.2. The Hosting Organization

These are the different kind of organizations that consent (*is indebted*) to host the student during the externship period. The most common placements or hosting organizations for the extern include judicial chambers, prosecutorial institutions, private law firms or pro bono organizations other governmental and private agencies that have legal components. These organizations are expected to receive the extern with full fervent and assign appropriate instruction with proficient supervisor, to acquaint the extern with work rules and methods of the organization, to regularly and humanly monitor and evaluate the extern, to genuinely forward opinion to the school etc.⁵⁰ In Ethiopia, very much like the foreign practices, each student arranges a placement for him or herself, subject to consultation and review of appropriateness with the school and whether to take on a particular student as an extern is the hosting institution to determine.⁵¹ Hence, subject to some modifications, students can still choose the hosting institution that best helps them to develop experiential understanding of laws. The student who is legible to be enrolled in field placement must submit an application for approval describing the place and nature of the externship. Then, the school that adopts its own procedure for considering student applications will approve such placements through a committee at school level. Note here that, though students' choice is the rule, there are circumstances that obliged the school to make selection of field-placement opportunities.⁵² This procedure is almost similar with the foreign practice and it is sensible practice. However, two points are worthy of consideration during the choice of field placement.

⁴⁶ See For Example, The University of Miami School of Law's Externship Program, 2012 available at <http://www.law.miami.edu/career-development-office/externship-program.php?op=3> last visited on 12/02/2015

⁴⁷ Ibid

⁴⁸ Higher Education Proclamation, Art 20

⁴⁹ The Constitution of the Federal Democratic Republic of Ethiopia Proclamation No. 1/1995, Federal Negarit Gazeta, 1st Year No. 1, 1995, Art. 5

⁵⁰ Cf. Art. 21 of the Technical and Vocational Education and Training Proclamation

⁵¹ Supra note at 6

⁵² See For Example, supra note at 46

First of all, whether students or the law school are rationally selecting the hosting organizations must be barefaced. Meaning, when students choose the institutions, they must conduct simple research, talk to law school instructors, and other students who have previously externed. Similarly, do law schools make reason based decision in accepting or rejecting students placement applications is contentious. This decisions could help to dwell a student in an institution that provides with the most satisfying and worthwhile experience. There is however, a gap in Ethiopian law schools as students are usually want to be placed with their families or the school forced them to stay in certain organizations for budget and supervision convenience justification. These jeopardises the interest of the extern and the objectives of the program.

The second point is the commitment and determination of hosting organizations to help the students' enthusiasm and readiness to learn. Let me raise two questions: How many of hosting organizations happily receive the extern and assign appropriate instruction with proficient supervisor? And how many of them orient the extern about the rules and procedures of the organization, monitor and evaluate accordingly, and report the same to the law school with detailed suggestions? Unquestionably, eligible organizations are required to have the willingness to provide experience, instruction, supervision and assessment for the extern. This makes placement relationship akin to an employment relationship. After all, hosting organizations have to understand that students bring their academic training, excitement and enthusiasm for legal practice, which is an advantage and they have the opportunity to systematically exploit them. As the success of the externship program is cumulative, before the start of an externship program, the hosting organization, student, and the school delegate shall develop the goals and objectives of the field placement so as to cascade down their respective duties. In some foreign law schools, the goals and objectives shall be agreed by the supervising attorney, student, and faculty supervisor no later than the first two weeks of the placement.⁵³ This aware the hosting organization about its role in advancing a student's legal knowledge and responsible for ensuring an exceptional learning experience valuable for a student and the country. At this juncture, it is important to note some of the responsibilities of the placement organization. Primarily, with the available expertise and resources, this organ should be reasonably accessible to the student and the school supervisor. It should ensure that the student receives both adequate supervision and appropriate performance evaluations. Continuous, thorough and logical feedback and critique of the student's performance on various assignments is essential for the student to grow in the law. The hosting organization is required to prepare a written monitoring system and a written evaluation, which shall formally be communicated to the law school together with the total number of hours worked by the student.

However, in most our cases, due to the poor integration of law schools and institutions, beyond the total denial, the experience and supervision students could receive in different placement organizations often excruciating. It is known that organizations working with law related activities are morally and legally bound to entertain law students for experiential learning. Conversely, many of our courts, prosecution offices or private firms often refuse to accept and host the extern or if they host they reluctantly monitor, comment and evaluate the extern. For instance, Law schools often receive exaggerated evolution results and most externs complained they have access only to dead files of the courts and attend court proceedings but are not allowed to work on active files.⁵⁴ This is an outrageous activity that totally stamps out the very objective of the externship program.

Finally, it is important to note that the activities of the extern are highly influenced by facilities as well as staffs in the hosting institutions. For example, the level of the court matters a lot as courts with appellate and original jurisdiction are better than woreda courts. Similarly, courts with civil and criminal jurisdictions widen the activities of the extern. In addition, an institution with adequate human and material resource broadens the opportunity for the extern to learn and experience more.

4.4.3. The School Supervisor

students' relationship with the school will not be blue-pencilled during the externship program so that in addition to the hosting organization that daily monitors, students have to be supervised by a law school member often called supervisor, who bridges the student, the hosting institution and the law school towards advancing goals and objectives of the externship.⁵⁵ This is the most feasible mechanism where the schools continue help and control the student to develop insights into the applied knowledge, skills, and ethical standards that are required for successful practice. However, in our law schools, there exists no uniform understanding on the role of a supervisor. Neither the schools nor supervisors are sketching and discharging clear and uniform responsibilities.⁵⁶ Then, what is the role of the supervisor? What makes the role of field instructor different from the role of a practitioner in the host organization? How frequent shall the instructor stopover and monitor the student in extern? Does the supervisor have the necessary theoretical and practical legal knowledge to truly help the extern? The roles of the instructor are very different from the role of a practitioner that daily supervises the activities of the extern as they are largely required to outlining the set of activities during the program and communicate them to the extern, remind some theoretical backgrounds and evaluate students' performance progress.

⁵³ See For Example, Ibid

⁵⁴ Discussion with students stayed with externship, held at Debre Markos University, organized by law school, July 13, 2013. Students stayed from the different parts of the country, hosted by different government and non-government organizations and supervised by different instructors, from our law school and other law schools for convenience purposes. This makes the discussion stronger and fairer. From the discussion I understand that refusal or failure of courts and public prosecution office to allow law school externs to deal with active cases is attributed to at least three factors. First, there are no cooperation among justice institutions and law schools in universities and the officer does not want to take risks associated with the failure or misbehaviour of student externs. Second, judicial and prosecutorial ethics do not allow judges and public prosecutors to share the content of any case with other persons. Third, the rules of professional ethics do not apply to students as they are not professionals. There are also no rules governing the conduct of student externs.

⁵⁵ See for example, Anita Maddali, Civil Externship Handbook, Northern Illinois University College of Law, 2010 available at <http://www.niu.edu/law/experiential/externships.shtml> (last visited on 13/02/2015)

⁵⁶ Discussion at DMU, interview with law school deans and instructors

Therefore, in the first place, the instructor from law schools must chart out particular set of practical knowledge that the extern is expected to be acquainted with during his/her stay in the program. This can be possible by associating them with the theoretical or classroom knowledge. This benefits the student to recollect his memory and improve his or her analytical skills. The instructor should effectively communicate students that they are expected to work hard and responsibly, to understand the way legal matters are practiced in the organization, to be punctual, to work their scheduled hours and to complete their assignments on time.

The second role of the instructor can be evaluating the progress of the extern toward achieving those expectations. When the instructor evaluates extern, the basic source of information can be either the extern him/herself or staffs from the hosting organization. The instructor may also find different reliable documents, such as daily attendance sheets or disposed case, to evaluate student's individual performance. Yet, none of these sources can be used for granted and rather than observing or acting only as passive recipients of information, the instructor shall challenge them. For instance, the supervisor can demand the extern to submit a reflective memo on the practice of law or some of the ethical issues involved in the experience, reading and commenting on articles related to the experience etc. But in most of law school of the country, instructors are not discharging these duties insincere.

The other important point is the mode and frequency of supervising or communicating the extern. Both the mode and frequency of supervision are highly affected by the resources that a school has at its disposal. In our case a single and loosen supervision has hunted the quality of the system as practically observed. The supervisor shall preferably have frequent face-to-face contacts. Even so, having some degree of in-person supervision and communicating the extern by letter, e-mail, or telephone can be opted in case of difficulties. This can ease the tension wherein our school is steaming.

Generally, in the externship program, the quality of a student's experience is directly related to the quality of the supervision provided by the instructor. Hence, the instructor must outline set of activities to communicate important aspects of the externship to the students and evaluate their progress performance by means of available possibilities at hand. Staffs are expected to diligently review an extern's work by regularly meet and discuss their work directly. Careful research and thorough evaluations of the extern can help to achieve the purpose of the program. In addition, while there can be staffs who may assign the extern more menial or uninteresting tasks, there can be others that treat the extern like another staff. This widens and narrows the activities of the extern. Of course, this in turn affects the extern's future. The same is true for law schools. A school with good staffs and necessary inputs can better equip students. The quality of orientations, aiding documents, supervisors and examiners has direct impact in making students effort real and proper.

4.4.4. The Student Extern

With regard to the student extern two points are meriting discussion: legibility criteria and the duties of the extern. In the first place, since students are expected to be involved in a public service giving office useful to the society, there should be requirements so that the hard to decipher will be barred to join.⁵⁷ Of course, these criteria lay down by the school or the hosting organization need to be rational, attainable and applicable in law schools.

Currently, in Ethiopian law schools that manage the externship there are no well-developed and binding prerequisites or legibility criteria to join the externship program. Similarly, hosting institutions do not set requirements and no habit of looking for varying qualifications in the externs. Humbly students are free to choose any placement (which is cost effective) and it's not grim to join unless other students have already applied to the post. Of course, with the increase in number of students this trend will inevitably be changed. The only criteria that can be presumed is the successful completion of five years law school study i.e. taking necessary courses with the required credit hour and grade is the main and existing requirement. In other countries' law schools the procedure is different. In the first place, students who wish to receive academic credit for an externship must submit a completed "Externship Application" and "Supervisor Agreement" Form. Upon the prompt submission, law schools will determine legibility and placement issues. Most often than not, having good research and writing skills, intelligence, good interpersonal skills, a willingness to learn etc. are important requirements to join the externship program on the top of grade requirements. In addition, after law schools official approval/testimony of the students' academic and ethical legibility, hosting institution will conduct interview, successful students will conclude a written agreement and be enrolled in the externship. Moreover, some hosting institutions may require a student to take particular courses before it join them. For example, a student, who didn't take banking or insurance law courses are barred to join banking or insurance institutions for externship. They believe that such a student is not capable of understanding the practice and during his stay his contribution to the institution is negligible.

Here it is important to see these are important. If a student, beyond his academic fitness, has the required skill, sign agreements with the school and the hosting organization his relation with organization is formally established resembling an accountable employee so that all legal practice in the institution are open to him. However, in many of Ethiopian law schools students are placed before their skills are solicited as per the institutions need and students don't sign the two agreements. This grind down the confidence of the hosting organizations and they don't pay the necessary care in the admission, supervision and evaluation of the extern. The author has personally demonstrated that many of the institutions hide, if not facade, some sort of legal practices such as live court cases from the reach of the student mistrusting students for abusive acts. In this regard, students are denied of important legal practices, which defeat the whole purposes of the program.

Another important point here is the responsibilities of student extern during the externship program. As it has been outlined, there are various advantages that their stay have for themselves, the school, the hosting organization and the society. In order to well receive these benefits, there are responsibilities incumbent upon the extern and incidentally, students, staffs from the hosting organization and

⁵⁷ Supra note at 55

supervisors from the law school must be clear and familiarized with the extern's particular responsibilities. Failure to meet this expectations and scoring low evaluation marks may disqualify a student from graduation. However, the type and nature of these responsibilities are often difficult to list as they often vary from school to school or from hosting institution to institution. Generally speaking a student extern is expected to diligently perform activities given by the school, supervisor and the hosting organization, acquaint him/herself with practical skills and report his stay.⁵⁸ In the due course, he/she shall observe work rules and methods of the organization, utilize office materials with care and maintain work secrets of the organization.⁵⁹

In the first place, a student must understand the goals and objectives of the externship program along with the working ethics of the school and the hosting organization. In this regard, the school shall prepare comprehensive externship handbook or manual, deliver extensive orientation, and prepare agreement documents to be signed with the student and the hosting organization. Having this understanding, the student must complete the time committed to the placement with courage and enthusiasm. The problem in Ethiopian law schools is really disturbing at this point. After taking the exit exam and their five years study students get hurry to join their families and the school began to care for the rest of students as if the teaching of 5th year students is over. Many of the law schools, if not all, don't have the externship manual, and they discharge students before proper orientations are given and students sign necessary binding agreements with the school. In this way, a student bears no legal and psychological responsibilities and they merely undergo through the externship program for mock-up. This clangor in concert with the reluctance of the hosting organization critically harms the externship system. I believe that this is one of the critical points that Ethiopian law schools are required to make over.

Secondly, there are different 'run-through' or every day responsibilities that have to be honoured by the student extern during the externship program. As one could assume, an extern's work consists primarily of understanding office bureaucracy, analysing dead files, researching and briefing legal issues, drafting/writing memoranda, conducting client and witness interviews, assisting in trial preparation, attend hearings, attend oral argument, review appellate briefs and writ petitions, examine trial court records, recording evidences, writing judgments and orders. Here it is important to note that, in some cases, an extern may not work directly with the judges or other legal practitioners. The extern may help with administrative duties, support the work of the institution, and generally perform non-law but important administrative functions. In addition, students are required to meet common minimum requirements such as time and ethics. In the first place, they are to present and effectively work at least 18 hours per week for 8 weeks of the externship period.⁶⁰ Likewise, students are required to be punctual, ethical and committed during the course of the externship. Student shall communicate with and discharge activities as those feedbacks and assignments from supervisors of the hosting institution and law school. The student shall fulfil whatever additional requirements the school supervisor or the externship subcommittee of the school may impose. These appear to be simple but are critical requirements and it is good to question the compliance of Ethiopian law students. Under the national externship guideline, regular attendance, punctuality, good work habits, respect for self and others, respect for property, confidentiality etc are listed as major codes of conduct for a student extern.⁶¹ Humbly speaking, however, it is only few students, who exercise the expected office activities punctually and ethically, as per those additional guidelines given by supervisors.

Finally, we find the most important responsibility of a student extern i.e. duty to make report. At the end of the externship, the student shall prepare a written report and make an oral presentation of his or her stay to the law school. Some foreign law schools, of course, device other types of examinations such as tests, on court observations, self assessment checklists, etc.⁶² Whatsoever the assessment can be the very goal is weighing up whether the program meets its objective at the end of the externship. The question here is how to prepare a good report and presentation. At the outset, students are recommended to maintain a diary of their daily experiences and observations including, for example, the name of the case, a brief summary of the legal issues and the problems it presents. Then based on these diaries, it is possible to prepare a final journal summarizing activities performed during the externship period. Some of the Ethiopian law schools set page limit, which I believe is unreasonable, and language to be written in English, which is reasonable as English is the medium of instruction in the university. As a supervisor and examiner of a student extern for the last five years, I observe several gaps in report development and making presentations. Their reports are not instructive to inform the reader what a student has gone about, where he was in and what practices he learnt etc. and the problem happen during presentations. I advise the report shall, among other things, include:

- The date or time logs, nature, and completion of each assignment given to the student
- Reflections on the student's own skills and preparedness for the tasks assigned,
- The extent to which the student's goals and objectives were satisfied,
- What set of activities were performed and left unperformed,
- The legal and administrative gaps or finest experiences discovered by the extern during his/her stay,
- How the student's work contributed to the vision, mission and goal of the hosting organization etc.

5. Concluding Remarks

The current Ethiopian legal education curriculum has clearly made externship programs an important component where students are expected to achieve practical skills prior to entering the profession. The idea was the externship program (together with clinical

⁵⁸ Cf. Art. 23 of the Technical and Vocational Education and Training Proclamation see also Supra note at 31 Anita Maddali

⁵⁹ Ibid

⁶⁰ Supra note at 6

⁶¹ Supra note at 4, pp. 16-17

⁶² Supra note at 55

programs, skill courses and justice training programs) would fundamentally help the endeavor to produce competent law graduates that understand and serve the legal system and justice administration of the country. However, this decisive scheme of legal education seems to lack attention and it's common to witness problems attributable to law schools, hosting organizations, the student and the school supervisor. Under this paper an attempt is made to identify some of the particular responsibilities of major stakeholders and indicate how stakeholders are stirring in mocking-up the program. Particularly, the fact that law schools run the externship program without knowing the nature of the subject matter and the existing course delivery is deceptive as compared to the practice in foreign law schools, where several externship programs are delivered throughout law school life and its management is even more austere than the delivery of other law courses. Foreign law schools, administer the program (student placement, supervisor choice, networking the hosting institutions, monitoring the program etc.) with solemn curiosity.⁶³ For example, there is a separate organ in the law school to administer the program and externships are not only given for graduating students. Dividing the Externship programme in to specialized areas of the law, like judicial externship, legislative externship, not-for profit, externship on family law, criminal law, tax law, corporate law etc. is common, depending on the availability of hosting institutions. Logistical and administrative arrangements beforehand is claimed to contribute to successfully implement the Externship Programme. The Ethiopian law schools practice of externship is clear when we see the concern of law schools, students, instructors and hosting institutions in the implementation of the program. While the program is the single most exciting and enriching opportunities available to graduating law students, we witness casualness and flippant attitude in attendance, supervision and monitoring as well as assessment and evaluation.

Externship program has a relatively short history in Ethiopian law schools as it is not more than 9 years. Yet, I want to question the futures of the externship in our legal education: how far we can go counterfeiting the externship? Should law students continue to be isolated from the practical legal world? It's time to understand how we are compromising quality of legal education and how the imaginings of the 2006 legal education reform are now clearly trounced. Dutifully speaking, Ethiopian law schools are not implementing the Externship program as per the discipline of the program. The deviation is apparent when we see the experience of foreign law schools that administer the program in ceremonial way, where every stakeholder is legally and morally obliged to discharge its respective tasks. Do our students obtain anything different with the coming of the externship program? Certainly, this demands a more empirical finding but as a lecturer of laws decidedly experiencing the program, I suggest that the answer to this question should be big "NO". Our law schools, students, supervisors and hosting organizations are exerting no better rate than they rewarded the previous 'practical attachment' course. Just as a twelve credit hour course, thus far, externship program is the least attention paid and the most neglected course in Ethiopian law schools.

In addition to the matured experience from law schools this paper holds the experience that the Technical and Vocational Education and Training Proclamation have come up with. This proclamation establishes a framework where the apprenticeship program can be enforced in a tight discipline. And it is found that the harbor of these all predicaments is the absence comprehensive externship program guideline at national level and specific externship program guidelines at school level that plainly outlines the implementation framework. In this regard, I urgently recommend to the preparation of comprehensive handbook for the externship, which revisit the existing guideline⁶⁴, so that stakeholders can easily understand their ventures. Under this paper it is indicated that law schools, students, supervisors and hosting organizations don't know what to do or/and they aren't discharging their conventional roles. Therefore, based on the handbook, much is expected from the school in publicizing these responsibilities and in alerting students, instructors and hosting organizations on what the program is and its thesis of implementation. Moreover, Law schools should prepare and sign formal contract agreements with the students, supervisors and hosting organizations so that every stakeholder could work in a sense of accountability. This demands extra structural organization in law schools and for the better attainment of the colossal objectives of the program, law schools need to have separate structures that manage the externship program like what foreign law schools establish Career Development Office ("CDO") or externship program coordinating office. Finally, under the paper it is indicated that the implementation of the externship program has never been studied and the central limitation of this article is its reliance on logical reasoning. Therefore, I recommend, in particular, empirical or quantitative researches to be conducted at national level.

6. References

- i. Abdi Jibril Ali, The Need to Harmonise Ethiopian Legal Education and Training Curricula, Ethiopian Journal of Legal Education, Volume 4, No. 1, 2011
- ii. World Bank, Ethiopia: Legal and Judicial Sector Assessment, The World Bank, 2004
- iii. Henok G. Gabisa, Justice Sector Reform, Judicial Independence and A Diminished Judicial Power in Ethiopia: Lesson from South Africa, A Paper Presented on the Twenty Years of South African Constitutionalism Workshop, November 13-16, 2014
- iv. Tewodros Halfom, Externship Program Guidelines, Prepared under the Sponsorship of the Ethiopian Justice and Legal System Research Institute (unpublished), 2009
- v. Mortimer Sellers (eds), The Internationalization of Law and Legal Education, Springer Science and Business Media Publisher, 2008

⁶³ Almost all law schools devise their means of enforcing the externship and their monetary mechanism is enlightening. From these experiences, Ethiopian law schools are first required to pay a concern for the externship program.

⁶⁴ The existing guideline, which is mentioned under supra note at 6, is a fine set up but still appalling to govern the externship program for at least two reasons. First, it lacks comprehensives as it failed to regulate the program. Second, it has several contradictions, which has never been observed in Ethiopian law schools. For example, it talks about student's consecutive registration (in their stay with the school) for externship as per agreements with the externship director, while students register for externship once in their school life.

- vi. Karen Tokarz et als, Legal Education at a Crossroads: Innovation, Integration, and Pluralism Required!, Washington University Journal of Law and Policy Vol. 13, No 11, 2014
- vii. Erwin Chemerinsky, Rethinking Legal Education, Harvard Civil Rights-Civil Liberties Law Review, Vol. 43, Pp.595- 598
- viii. Samuel O. Manteaw (Ghanaian Attorney and Lecturer), Legal Education in Africa: What Type of Lawyer Does Africa Need?, McGeorge Law Review, Vol. 39 , 2008
- ix. Quintin Johnstone, American Assistance to African Legal Education, Yale Law School Legal Scholarship Repository 1899
- x. Reform on Legal Education and Training in Ethiopia, (Unpublished), 2006, (on file with the author)
- xi. William Saint, Higher Education in Ethiopia: The Vision and Its Challenges. JHEA/RESA Vol. 2, No. 3, 2004
- xii. University World News, Kate Ashcroft, 'Ethiopia: Dilemmas of Higher Education Massification', 05 September 2010 Issue No: 61
- xiii. Lemlem Telila, Review of Some Recent Literature: Identifying Factors that Affect Ethiopia's Education Crisis, Ethiopian E-Journal For Research and Innovation Foresight, Vol. 2 No 2, 2010
- xiv. Dr. Girma W. Selassie, Some Nostalgic Thoughts on the Teaching of Law in Ethiopia, Mizan Law Review, Vol1 No1, 2007
- xv. Gerald F. Hess, Heads and Hearts: The Teaching and Learning Environment in Law School, Vanderbilt University Law School Journal of Legal Education, Vol. 52, No. 1 & 2, 2002
- xvi. Roy Stuckey and Others, (1st eds), Best Practices for Legal Education: A Vision and A Road Map, University of South Carolina Publications, 2007
- xvii. Gerald F. Hess, Listening to Our Students: Obstructing and Enhancing Learning in Law School, University of San Francisco Law Review, Vol. 31 No. 4, 1997
- xviii. Gerald F. Hess, Student Involvement In Improving Law Teaching and Learning, University of Missouri-Kansas City School of Law Review, Vol. 67 No.2, 1998
- xix. Kelly S. Terry, Embedding Assessment Principles in Externships, Clinical Law Review, Vol. 20, 2014
- xx. Leslie Larkin Cooney, Heart and Soul: A New Rhythm For Clinical Externships, St. Thomas Law Review, Vol. 17, 2005
- xxi. Ruti Teitell, Transitional Jurisprudence: The Role of Law in Political Transformation, The Yale Law Journal, Vol. 106, 2009
- xxii. University of Maryland School of Law, Policy Statement on Externships, Revised By Faculty Council, February 3, 2011
- xxiii. Higher Education Proclamation No. 650/2009, Federal Negarit Gazeta, 15th Year No. 64, 17th September, 2009
- xxiv. Proclamation to Provide for the Organization of a Technical and Vocational Education and Training System, Proclamation No. 391/2004, Federal Negarit Gazetta, 10th Yr. No.26, March 1st, 2004
- xxv. Alemayehu G. Mariam, Professor of political science, 'Ethiopia: Indoctri-Nation', <http://www.huffingtonpost.com/theworldpost> , Posted: 09/05/2010
- xxvi. The University of Miami School of Law's Externship Program, 2012
- xxvii. The Constitution of the Federal Democratic Republic of Ethiopia Proclamation No. 1/1995, Federal Negarit Gazeta, 1st Year No. 1, 1995
- xxviii. Anita Maddali, Civil Externship Handbook, Northern Illinois University College of Law, 2010