

Date: [Insert Date]

To: [Name of Managing Partner/HR Director]

From: [Name of Legal Counsel/Compliance Officer]

Subject: Legal Opinion on Classification of Unpaid Legal Interns

I. Introduction

This memorandum provides a legal opinion regarding the classification of [Candidate Name/Internship Program] as an unpaid internship under the Fair Labor Standards Act (FLSA) and relevant state labor laws.

II. The Primary Beneficiary Test

Under current Department of Labor (DOL) standards, we utilize the "primary beneficiary test" to determine whether an intern is an employee entitled to minimum wage and overtime. We have evaluated the following seven factors:

- **Expectation of Compensation:** There is no expectation of compensation, expressed or implied.
- **Training:** The internship provides training similar to that given in an educational environment.
- **Academic Credit:** The internship is tied to the intern's formal education program by integrated coursework or the receipt of academic credit.
- **Academic Calendar:** The internship accommodates the intern's academic commitments by corresponding to the academic calendar.
- **Duration:** The internship's duration is limited to the period in which the internship provides the intern with beneficial learning.
- **Displacement:** The intern's work complements, rather than displaces, the work of paid employees while providing significant educational benefits.
- **Entitlement to Job:** The intern and the firm understand that the internship is conducted without entitlement to a paid job at the conclusion of the internship.

III. Analysis of Duties

The proposed duties for [Intern Name] include [List Duties, e.g., legal research, drafting memos, shadowing depositions]. These tasks are designed to provide clinical experience and pedagogical value rather than performing routine administrative labor for the firm's immediate economic advantage.

IV. Conclusion

Based on the factors above, it is my professional opinion that the intern is the "primary beneficiary" of the relationship. Therefore, the individual may be classified as an unpaid intern and is not considered an "employee" under the FLSA.

V. Recommendations

To maintain this classification, the firm should:

1. Obtain written confirmation of academic credit or school sponsorship.
2. Ensure the intern does not perform clerical work more than 20% of their time.
3. Maintain an executed Internship Agreement outlining these terms.

[Signature]

[Title]