



MANUAL FOR EXTERN SUPERVISORS

INTRODUCTION

Quality practical training is essential to the College of Law's mission to form and educate future lawyers. Externships are an integral part of our experiential learning program. Through externships, students gain skills needed to be successful attorneys—from improving their research, writing, and drafting proficiencies to developing their interpersonal communication skills, strategic decision-making, and understanding and integrating the values of the profession. Equally important, for most students, externships are the first real opportunity they have to appreciate, in real time, what it means to be a lawyer.

In any externship program, the quality of a student's experience is directly related to the quality of the supervision provided -- by both the law college and the supervising attorney or judge. The relationship between the student and his or her placement is a dynamic one; we hope that this manual will assist you in effectively mentoring an extern and help establish a mutually beneficial relationship between you, your extern, and the College of Law.

This manual reflects the ABA and Federal Fair Labor Standards requirements for the conduct of externship programs, articulates the standards we expect our extern supervisors to follow, and highlights some best practices in extern supervision. Where applicable, we also make note of the requirements of Arizona Supreme Court Rule 38(d).

We recognize and appreciate the demands on your time and understand that supervision of a law student adds to your duties and responsibilities. As we work to develop meaningful and exciting externship placements, we hope you will offer us your suggestions and feedback.

Thank you for your interest and willingness to supervise an extern!

I hear and I forget
I see and I remember
I do and I understand

Confucius (551 BC – 479 BC)

You can observe a lot by just watching.

Yogi Berra

SECTION I: EXPERIENTIAL LEARNING

In bygone days, legal education in the United States was accomplished solely through experiential learning -- i.e., learning by doing. New lawyers typically joined the profession after “reading law” as apprentices working for practicing attorneys. When the first law schools were formed over one hundred years ago, legal education gradually evolved into a primarily academic pursuit heavily based on the case method. Analyzing case decisions, typically using the Socratic method of teaching, does a wonderful job of teaching students to “think like lawyers,” and was probably a necessary innovation as law became broader and more complex.

But reliance on case studies through the Socratic method alone is not without a downside. Responding to desires for additional skills training and instilling a sense of social justice in law students, experiential learning reclaimed some of its original importance when many law schools added clinical education courses during the late 1960’s and early 1970’s. The first clinical legal education program at the College of Law was set up in 1968 by David Wexler.

Today, in our in-house clinical programs, students, supervised by law professors, represent a limited number of clients in specialized areas of the law. At the same time, Professor Tom Mauet and others teach trial skills in a variety of simulations. However, our in-house resources are limited. And students cannot see the inner workings of a law office from inside the Law College. So we have also begun to restore the apprenticeship component to legal education with programs variously referred to as externships, internships, or field placements. These programs often provide the only opportunity law students have to see and work with lawyers as they practice on a day-to-day basis, serving live clients in an education-focused, yet real-world, setting.

In an externship, the field-placement supervisors -- indeed all staff at the field-placement site -- play a critically important role in a student’s education. In a real way,

the field-placement supervisors are an extension of the law school's teaching faculty. Law school administrators and professors partner with field-placement supervisors to ensure a quality educational experience. In some cases, the law college will have a class associated with the placement. In others, there may be a more ad hoc arrangement.

In all externships, however, the people at the field placement have the most important role. You are the ones working one-on-one with students, providing feedback and insight and assessing their growth as young lawyers. Students at a placement site will learn much in at least four important areas:

- **Developing Lawyering Skills.** Placement sites vary. But at each site, placements should offer opportunities for students to gain an understanding of some of the basic competencies required for legal practice and to begin developing those skills. At some placements, students may expand their legal analysis, research, and drafting skills. At others, the focus might be on negotiation skills, client communication skills, or courtroom demeanor.
- **Understanding Legal Systems and Institutions.** Externships give students opportunities to analyze and assess legal institutions and systems. These include not only your organizations but also other legal institutions within and with which you interact on a regular basis. Your placement will help students to learn the mission of your firm, government agency, court, or non-profit entity and to see how your organization accomplishes its mission within the legal community.
- **Growth of Students' Self-Evaluative Skills.** In an externship, students encounter, maybe for the first time, experiences that we cannot easily duplicate in a classroom – e.g., the pressure of real world responsibility, how to accept critique from a colleague or supervisor, how to improve their decision-making, time management, and interpersonal communication skills. Your placement will also allow students to apply what they have learned in the classroom to actual practice. It will help them see the big picture and give meaning and context to all those hours of study.

Placements should provide opportunities for active learning through experience, feedback, and reflection. Placements should, therefore, stimulate development of self-evaluative skills and the ability to learn from experience.

- **Professional Identity.** Finally, and perhaps most importantly, your externship will help socialize your intern into the profession. Students' professional identities will be modeled, in part, upon what they see in their externships.

They see how things really work – or don't. They see confidentiality in an entirely new light. They observe what good lawyers do – and don't. They can start the process of deciding what kind of lawyer they want to be.

Placements should offer a forum from which students will consider their professional roles and the responsibilities that accompany those roles – including compliance with relevant ethical rules and the professional values that extend beyond the written rules.

We thank you for your willingness to become directly involved in the externs' education. We ask that you choose assignments that will stretch their legal skills and that you provide feedback that will allow them to learn from their experiences. To further foster meaningful reflection, we hope that you will discuss with them professional mores and the things that drive you to perform excellently as a professional. Finally, we ask that you act as mentors and role models, helping the externs develop their own internal sense of professional commitment, responsibility, and identity.

SECTION II - LEARNING FROM EXPERIENCE:

In theory there is no difference between theory and practice. In practice there is.

Yogi Berra

Learning from experience is critical for your externs to increase and hone the knowledge, skills, and attributes (referred to collectively as “competencies”) that they will need to become new attorneys and to effectively perform the work needed to excel in the practice of law.

You, as the placement supervisor, are the lynchpin in creating that learning opportunity. You provide much-needed guidance, insight, feedback, and assessment. You can help our students see both the big and little things that you have learned from your experience that has made you successful at what you do. We also hope that the investment you make in developing your extern will serve your organization as the student's competency and ability to take on progressively more complex tasks grows.

Our overriding goal is that our students learn how to learn from experience. We want them to learn how to write a better paragraph. But we also want them to be able to reflect about what they just did so that they begin the life-long process of teaching

themselves to become better lawyers and better persons. The truth is that no law school can teach them the full range of skills that practicing lawyers need. However, we can teach them how to make the most of every learning opportunity.

Your willingness to share your time, your observations and your thoughts will go a long way towards teaching them the life-long skill of learning from their experiences. And trust us on this – after all, we are teachers – you may learn a thing or two, yourself, as you become a great mentor.

Skills:

Many have attempted to articulate the critical skills needed to practice law. One law teacher divides skills into three dimensions:

1. **Cognitive Skills:** Recall, understanding substantive law, applying facts to the law, problem solving.
2. **Performance skills:** Legal writing, oral argument, time management, negotiation, interviewing, counseling clients.
3. **Affective skills:** How students feel about their competency, client relations, and professional values such as confidentiality and client loyalty. Where do they see themselves fitting in?

While no list is exhaustive, students should have an opportunity to observe and hone a wide range of skills during their externships. To facilitate this development we suggest a set of ten key competencies. The first five competencies relate to the legal skills essential to the substantive practice of law. These break down as follows:

1. **Knowledge of the Law**—researching and finding the law, knowing general substantive and procedural law, developing subject-matter expertise.
2. **Marshalling Information**—fact finding, questioning and interviewing, collecting and reviewing documents, e-discovery, organizing and categorizing information.
3. **Analysis**—critical review, reasoning, problem solving, understanding what facts mean, understanding what the law means, and applying the law to the facts.

4. **Expression**—persuasive or objective oral and written communication of analysis, positions, opinions, arguments, and recommendations to clients.
5. **Practice Skills**—executing practice-specific tasks such as taking depositions, arguing motions, and trial tactics; or, in transactional work, negotiating, drafting agreements, conducting due diligence, and counseling clients.

The other five competencies relate to the intrinsic professional skills that underlie a successful practice. These are:

1. **Professionalism**—maintaining integrity and honesty, diligence, civility, ethics, confidentiality, diversity, mistake management.
2. **Client service**—building client relationships, understanding the client’s interests and needs, providing advice and counsel, and building trust.
3. **Leadership**—communicating, influencing others, creative problem solving, collaborating, building consensus, envisioning, planning, mentoring, and making sound, ethical choices.
4. **Management**—communicating, giving feedback, planning and implementing tasks, organizing and managing one’s own work, working effectively as part of a team, organizing and managing others, and running the “business” side of the practice of law.
5. **Business Development**—developing strategic relationships, networking, and marketing the office.

Your list may be very different from ours. The point is not that we have the best list. The point is that we hope you will think about and identify the skills that have made you a successful lawyer. We are counting on you to help our students develop those skills in your placement.

SECTION III - TECHNIQUES FOR EFFECTIVE EXTERN SUPERVISION

The best supervision is both structured and informal. Learning is enhanced when students have clear and challenging assignments, specific learning goals, and timely and ongoing feedback and assessment. But students also learn in the moment – during informal conversation – when you share an insight or an experience. *“Here’s why I didn’t ask that question.” “Did you notice how the other side kept deflecting questions about their finances?”*

The key is to create learning opportunities through quality, planned work assignments but also to recognize informal learning opportunities when they present themselves.

1. Develop Articulated Learning Goals:

Learning goals set the stage. They create a clear framework of expectations and will help avoid frustrations you and the extern may both feel if you are not on the same page. Articulated learning goals will also help you select better and more appropriate work assignments. They will also guide your feedback and critique.

The faculty supervisor may have already had a discussion with the student which identifies specific learning goals. However, your input is essential to help select realistic learning goals that fit within your legal practice setting. At the beginning, try and take a few moments with the student and the faculty supervisor to establish and agree on three or four specific learning goals that will inform the structure of the student’s experience.

2. Address Ethical Concerns Up Front:

Students have had a class in professional responsibility. But, while it is one thing to learn the rules, it is quite another to adhere to them in practice. It is imperative that you, the student, and the faculty supervisor have a clear understanding about the parameters of confidentiality, identifying conflicts of interests, and loyalty to your clients. [Those, in and of themselves, may be major learning goals for the student].

3. Adequately Define and Explain Work Assignments:

Work assignments are an especially effective professional-development tool, especially when the assignments build on a solid foundation in the basics and progressively increase in complexity and responsibility.

Even if multiple people are assigning work, it is often helpful to channel assignments through a single person. That person should review the proposed work before it is assigned, ensure that externs do not have too much or too little work, and monitor that an extern is receiving a variety of assignments.

Assignments should:

- first and foremost, be the kind of legal work that lawyers do
- include an adequate description of the work required, including the desired form for the finished product, i.e., an overview outline, a detailed memo with copies of cases, a draft order, an oral briefing, a declaration, etc.
- provide a sufficient factual and contextual background
- clearly explain the purpose or objectives of the assignment
- provide a realistic time frame for completion (*generally triple the amount of time you think it might take you*)
- suggest available office or library reference materials (“I’d start with the Rutter Guide to orient yourself to...; a sample motion format can be found at...”)
- include whether you will be available for questions along the way and, if not, whom the extern should consult and how (e-mail, phone, in-person, etc.).

4. Provide Quality Critique:

Feedback and evaluation provide the most meaningful (if occasionally uncomfortable) opportunities for professional development. Students need to receive constructive, timely, and specific feedback on an ongoing basis. It is important for the feedback to be both corrective and positive so students can build on what they are doing well and develop in the areas that are weak. Coaching and mentoring (formal or informal one-on-one intensive relationships, whether long or short-term) are essential but need to have a specific focus. Most students succeed when a single key skill they want to

improve, such as writing, oral advocacy, or time management, is identified. Mentoring should start where the student is and move him or her along the development continuum to the desired goal.

Externs should receive timely feedback on *every completed assignment* from the assigning attorney or judge. One supervision model suggests that supervision should be **FAST**:

Frequent – weekly meetings work well to assure the frequency of feedback

Accurate – describe actions or behaviors that can be addressed, not the person

Specific – pinpoint discrete identifiable points to be replicated or improved upon

Timely – if too much time passes, externs are likely to repeat their mistakes

You may be reluctant to critique an extern's work, but externs need, deserve, and actually *want* honest feedback. Without feedback, externs often assume that "no news is good news," and will continue to repeat the same errors unless they are given specific suggestions regarding how to improve.

- **Lead with the positive** – the goal is to highlight a particular success (be it a paragraph or an aspect of a presentation) so that it can be reinforced and replicated. Recognition of something that was well done can be a powerful motivator.
- **Provide a limited number of suggestions** for improvement at any giventime. Too much at once can be overwhelming and discouraging.
- **Plan what you want to communicate** in terms of content and the manner in which you will say it.
- **Check for understanding** by posing a question or comment that allows the extern to show he/she can incorporate the suggestions going forward.
- **Remain open** to the possibility of improvement. Occasionally an extern's work does not measure up, and a natural inclination may be to give the extern less demanding work. However, the extern's placement with you has an educational purpose; allowing the opportunity to demonstrate learning is critical to the extern's professional development. Externs are encouraged to engage with you in a collaborative supervision mode, not a passive one.

We suggest that you encourage externs to assess their own work, to identify and discuss what they found challenging, and to suggest their ideas as to how the work could be improved.

Don't underestimate the power of self-critique. We offer the following rubric to students in one of our in-house clinical programs:

Planning is everything; reflection is learning

Everything we do -- whether it is interviewing our clients, telephoning a case manager, talking to a doctor, or advocating in court -- will go much more smoothly and productively if we plan it. Try these four simple steps:

Step (1) Before undertaking any task, ask and answer the following question: “What am I trying to accomplish?” Then, define your actions and goals according to the answer.

Step (2) Review your plans and ask yourself: “Will this help accomplish my goal?” If you are still on track, go for it. If not, revise your plans.

*Step (3) Once you've completed your task, ask yourself the following: “Did I accomplish what I set out to do? Why or why not?” File that answer under “Something I learned today.” **Don't forget this step.** This is where real learning takes place.*

Step (4) After completing the first three steps, ask yourself the “big picture” question: “What did I learn today that will help me as a person and as a lawyer?” This step is where real insight takes place.

A bit of anticipation and preparation will add greatly to the externship experience for all involved. What follows are some quick suggestions that will be useful as you prepare for and work with your externs.

5. Some Specific Suggestions:

Be Prepared for the Extern's Arrival - Orient Yourself, Your Office, and the Extern

Before the extern arrives:

- Determine what desk, telephone, and computer the extern will use.
- Gather office keys, restroom keys, copier codes, computer passwords, and office manuals that the extern might need.

- Determine for whom the extern will be completing assignments. If the extern has more than one supervisor, designate one who will provide oversight, help prioritize assignments, and serve as the point of contact with the school.
 - Determine which support staff the extern can rely upon if needed.
 - Request an office e-mail account, if appropriate.
 - Prepare a first assignment and gather the files, samples, and other materials the extern will need to get started. Externs are anxious to provide meaningful assistance from day one!
 - Plan ahead for the extern to shadow supervisors at upcoming hearings, meetings, or conferences.
- First day orientation:
 - Provide an office tour and staff introductions.
 - Tell the extern how to contact his/her supervisors, including providing cell phone numbers if appropriate.
 - Explain the office's mission and structure, and discuss any broader issues that are critical to serving the mission or client population.
 - Explain the role that externs play in furtherance of these issues.
 - Give the extern the first assignment.
 - Have an express conversation about confidentiality; if your office uses a confidentiality agreement with externs discuss it and have the extern sign it. Remind externs of the confidentiality policy often.
 - Brief the extern about office protocols regarding attendance, punctuality, security, safety emergency procedures, filing systems, routing of phone calls, dress code, computer usage, Lexis/Nexis, etc..
 - Invite the extern to upcoming staff or client meetings or other events.
 - Schedule a time within the first few days to have a conversation with the extern in which the goal is simply to get to know one another. As in any work situation, time spent establishing a cordial working relationship with your extern will help make it easier for you to understand each other's work style and meet each other's expectations.

c. Within a week:

- Faculty supervisors should require externs to establish learning goals for the semester with measurable objectives to serve as a guide to the externship. Whether or not your extern has been asked to draft learning

goals, you may want to meet with him/her to discuss educational goals for the semester. This will allow you and the extern to have a mutual understanding regarding the kinds of work and experiences that will be available to the extern.

Arrange Weekly Meetings to Check In With Your Externs

Schedule a regular "standing appointment" to meet individually with your externs to check in, review completed work, address any problems, and discuss future assignments.

Create Opportunities for Learning:

Students are motivated to do their best work when they understand the intrinsic value of the task they have been given, and also see where that task fits into the larger picture of the work of the office. In addition to giving your extern research and writing assignments, make sure to invite him/her to observe you, and/or co-workers, in the full panoply of lawyering tasks that you engage in yourself.

Although lawyering tasks vary among different law offices, if your office engages in all or some of the activities described below, consider including the extern, either as observer or participant:

- Client interviewing and counseling
- Witness interviewing and preparation
- Fact investigation
- Case strategy discussions
- Depositions
- CLE events
- Meetings with co-counsel
- Negotiations with opposing counsel
- In-chambers discussions or staff meetings
- Hearings and/or trials

Follow up on learning opportunities:

Whenever possible, have a short conversation with the student immediately after any learning opportunity.

- a. Ask them what they learned.

- b. Offer them an insight that they may have missed.
- c. Tell them why you did what you did. *Nothing teaches them more than when you share your thought processes.*

Keep the lines of communication open:

No matter how informal and friendly your office may be, be aware that there is a significant imbalance of power between supervisors and externs. Most externs are aware of their place in the office hierarchy and may be reluctant to ask questions or seek advice for fear of appearing incompetent. When you make every effort to create and maintain a comfortable and effective working relationship, the externs' educational experiences and their contributions to your office will be maximized.

SECTION IV. WHAT TO EXPECT FROM THE LAW SCHOOL:

Classroom Component

For some placements, students attend a weekly or bi-weekly classroom component taught by Law College Faculty experienced in the areas of practice for particular placements as part of the field placement course. Our Prosecution, Criminal Defense and Mortgage Clinics all have regular classes. The classes provide an opportunity for students to discuss their placement experiences with and other students and to reflect on their experiences, practice skills, and gain additional insight and exposure to the broader system in their area of practice. The classroom component may incorporate simulations, journal writing, and readings as well as student presentations. If your placement has an associated class, you may want to attend to see what the students are learning.

Communication

The faculty directing externship programs and staff at the law school are here to support you. At the outset, faculty should be communicating with you about our goals and expectations for the student's experience. Faculty should be mindful of your need for confidentiality. Faculty should be communicating with you on a regular basis about the status of the externship. Faculty should also be communicating with you about assessing the student's performance and improving the overall experience for both current and future students.

Reflection

Depending on the nature of the program, faculty may be meeting with students throughout the semester either in a classroom setting or individually. In either case, faculty will be discussing the student's experience in detail and requiring the student to engage in reflective activities – journaling, presentations, one-on-one discussions.

Assessment

While faculty have the ultimate responsibility for a student's grade, your assessment of the student and the student's experience is particularly important to us. Your honest feedback is appreciated. You are the person who has had hands on contact with the student. You can tell us not only what the student has accomplished but also how we improve the program.

Malpractice Coverage

Under Arizona Board of Regents rules, law students are covered for professional malpractice as long as they are engaged in an educational activity under the umbrella of the law school. All extern placements are covered by this rule. Hence our law students are covered under University risk management.

We certainly hope that all of you are covered under your own malpractice insurance. [Indeed, that is a question that a student should address at the outset in his or her learning contract].

However, there may be additional protections offered by the University. If you have been designated as an Adjunct Instructor, then your supervision activities should be covered by University Risk management under the umbrella protections offered for all instructors. If you have not been made an Adjunct Instructor, you may still be covered for your supervision activities as a Designated Campus Colleague. [We didn't make the name up, really]. For more information see <http://www.hr.arizona.edu/dcc> and speak to your faculty supervisor.

Training

We are happy to provide training for you and your office on effective supervision techniques, to assist you with giving feedback, to brainstorm how to address a student who is underperforming, or any other concerns you might have about an extern or the program.

Site visits can be arranged periodically. The purpose of a site visit is to maintain open communication between the placement and the school and to model collaboration for the externs. We are eager to support you and are grateful for your work with our students; please do not hesitate to call upon us for assistance.

And, again, thank you so very much for your willingness to work with our students. Your time, energy, and wisdom are greatly appreciated.