

What Externship Teachers Do: Toward a Clinically-Grounded Externship Pedagogy

INTRODUCTION

Law school-sponsored externship programs embody the belief that structured, examined involvement in real-world practice is an essential part of the training of skilled, ethical lawyers. Bridging the divide between the real world of law practice and the classroom is the central challenge to law schools offering these courses. Equipping students to use the raw material of their practical legal experience to look inward and forge answers to profound questions about life, work, and professional identity is a high calling of clinical legal education. Externship programs aim to elicit thoughtful student learning from doing, a project which fits firmly into the clinical paradigm.

These inquiries are pressing now because recent years have seen a proliferation of clinical courses building on the in-house model.¹ Models include externship or field placement programs (I use these terms interchangeably), practicum classes, and hybrid clinic-externships.² This huge growth in popularity reflects student desire for contact with the vibrant world of practice while in law school. It reflects a dire legal job market fostering the belief that students

¹ David Santacrose and Robert Kuehn, The 2010-11 Survey of Applied Legal Education, Center for the Study of Applied Legal Education (CSALE), University of Michigan Law School, at __; Nancy Maurer and Liz Ryan Cole, Design, Teach and Manage: Ensuring Educational Integrity in Field Placement Courses, 19 *Clinical L. Rev.* 119, __ (2012).

² These various experiential models are sometimes understood and described differently. The following typography generally holds true. In both externships and field placement programs, students work off-campus in a legal office or court, earning academic credit and working under the supervision of a supervising attorney or judge. Externs are often required to take an accompanying classroom seminar or one-on-one tutorial. Full-time faculty, adjunct faculty (often practitioners), or externship administrators teach and run these courses, which typically cross practice areas, see *infra*. The term field placements has the advantage of emphasizing the community-based, as opposed to school-based, nature of the fieldwork. Yet law schools throughout the country use the terms to describe the same type of offering. Practicum classes also include fieldwork along with a classroom component, which is likely to be practice-area specific and may be taught by full-time faculty. Hybrid clinic-externships are likely to contain a class taught by a full-time faculty member and include students who engage in some direct representation while being supervised by attorneys at the worksite. Expand and provide authority, e.g. Maurer and Cole; Backman; Lynch.

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need to develop skills and make early inroads with potential employers. It reflects a faltering national economy stressing law school budgets and making field-based clinical programs attractive to law school administrations.³ It also reflects -- among many -- an abiding belief in the educational value of engaging with practicing lawyers and legal institutions.⁴

This paper argues that one express goal of field placement classes should be to help students learn how to learn. These courses should teach self-assessment and critical reflection. In doing so they will help prepare students to learn from mistakes, solve supervision problems, critique institutions from within, hone researching and writing, make ethics calls, and sound out the feelings and values that will undergird their careers. This argument builds on the efforts externship educators have made over time to articulate a robust pedagogical framework for learning in the field.⁵ It also mines the rich thinking and innovation of the in-house clinical legal education field for insights to adapt into the externship context.

Critical reflection and self-assessment are touchstones of clinical pedagogy⁶ which do and should speak directly to students doing externships. With externship studies, law practice is the terrain, the supervising attorney or judge is the more- or less-skillful guide, and classmates are fellow travelers. The professor fits into this picture as a map-drawer or meaning-maker, helping seekers make sense of where they come from and proceed to. The externship seminars are the linchpin -- the inn, to extend the metaphor beyond its breaking point -- of externship

³ Cynthia Baker and Robert Lancaster, *Under Pressure: Rethinking Externships in a Bleak Economy*, 17 *Clinical L. Rev.* 71, 82-3 (2010). Cf. “economic rather than pedagogic” reasons for offering field placement programs. Robert Condlin, 35 *J. Legal Educ.* 45, 46 (1986).

⁴ Engagement with practice shows how the student experience is a stepping-stone to being an excellent lawyer, fostering the transfer of knowledge from academic study to real life. Susan Ambrose calls teaching our students “to be able to apply what they learn beyond the classroom” the “central goal of education.” Susan Ambrose, *How Learning Works: Seven Research-Based Principles for Smart Teaching* (Jossey-Bass, 2010) at ____.

⁵ See e.g. Peter Jaszi, Ann Shalleck, Marlana Valdez & Susan Carle, *Experience as Text: The History of Externship Pedagogy at the Washington College of Law, American University*, 5 *Clin. L. Rev.* 403 (1999) (tracing WCL’s externship program); list selected articles.

⁶ Provide authority.

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learning. Externship seminars provide opportunities for reflection that the field experience alone does not. This paper delves into what the externship classes can accomplish when thoughtfully planned and taught, answering “whether and why”⁷ classes should be required along with field placements. Showing the classes’ value refutes the contrary belief that seminars are not necessary⁸ or not effective.⁹ This critique may have held true in the past.¹⁰ It does not stand up at this juncture.

The contention that field placement courses should teach “learning how to learn” and can succeed in doing so is not a universally held position. Many involved in clinical and externship teaching believe that building skills and conveying substantive law are the boundaries of what field placement classes can realistically accomplish.¹¹ In addition, there is no unitary formula for successful teaching. Different teachers will bring their own creative, productive ideas.¹² This paper is not an argument that externship teachers should proceed lockstep, but that externship teachers and students can benefit from the use of clinical teaching methods.

The craft of externship teaching – as opposed to the experiential learning students do on their own on the job – is a key entry point to helping students learn from their field placements.¹³

⁷ Mary Jo Eyster, *Designing and Teaching the Large Externship Clinic*, 5 *Clinical L. Rev.* 347, 351 (1999).

⁸ See e.g. Brook K. Baker, *Beyond MacCrate: The Role of Context, Experience, Theory and Reflection in Ecological Learning*, 36 *Ariz. L. Rev.* 287, __ (1994). Questions about whether a teacher, or facilitator of any kind, is necessary to get students to engage in reflection demands answers, however. Advocates for developing externship classes must engage with the argument that students are equipped to distill insight on their own, and the most empowering thing law schools can do is put them in the mix and let them draw their own conclusions.

⁹ Erica Eisinger, *The Externship Class Requirement: An Idea Whose Time Has Passed*, 10 *Clinical L. Rev.* 659.

¹⁰ Minna Kotkin noted in 1989 that externship offerings were not developed to the point of being able to position students well to learn from externship experiences. Minna Kotkin, *Reconsidering Role Assumption in Clinical Education*, 19 *N.M. L. Rev.* 185, 198-99 (1989). See also, Susan Brooks (first chair experience).

¹¹ Provide authority.

¹² Some examples of different externship methodologies. Presentations/facilitations, guest speakers, journals and other writing.

¹³ In this respect I agree with the emphasis on refining and honing teaching skill that is evident in in-house clinical teaching theory. Cite eg Shalleck/Clinical contexts. Others take a different approach and attempt to ensure positive externship experiences that focus on training field supervisors. E.g. BACE manual; Cole, *Training the Mentor*; Backman, *Externships and New Lawyer Mentoring*; Feeley, *Training supervisors on writing*, 15 *CLR* 211.

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Best practices for preparing teachers to teach in field placement programs should acknowledge and embrace the defining elements of these classes and the unique opportunities for learning they offer students.¹⁴ This article explores concepts and methods to guide and elicit effective teaching in field placement programs, contributing to the discussion of how we can encourage intensive learning in these classrooms. Its intention is to be accessible and helpful to those conceiving of and implementing field placement programs. It considers how those of us who design and teach these programs can create curricula and train faculty to maximize student learning from experience. It is written to specifically acknowledge and grapple with the background and experience of many field placement teachers, given the relative affordability of field placement programs relying on adjunct teaching. It looks at the seminar portion of a field placement program, not the fieldwork portion, which deserves attention in its own right.¹⁵

Pragmatic as well as pedagogical reasons exist to develop thoughtful externship teaching methods. Most field placement programs include a seminar component and this is increasingly true.¹⁶ Further, the fieldwork portion of an externship may fairly be characterized as requiring students to pay tuition to work.¹⁷ Thus the externship seminar must add value to the work experience. Finally, the unavoidably wide variance in the quality of supervision and feedback

¹⁴ Best Practices commentary on experiential teaching generally applies aptly to field placement programs, for example the exhortation to provide explicit learning objectives. Roy Stuckey and Others, *Best Practices for Legal Education: A Vision and Road Map*, Clinical Legal Education Association ((2007) at 168. However, as Roy Stuckey observes, “[l]aw teachers have had a surprisingly difficult time articulating the educational goals of externship courses...and figuring out what to do with their classroom components.” *Id.* at 198. **ALSO ADDRESS WHAT BP ARE CURRENTLY BEING DEVELOPED FOR UPCOMING BP REVISION.**

¹⁵ I am singling out seminars because there is tremendous potential for learning and for training teachers to elicit learning in these classes. Choosing appropriate fieldwork experiences is also critical to a successful externship. Some of the things one would look for to ensure a successful fieldwork experience are... (provide analysis and authority).

¹⁶ CSALE at 22.

¹⁷ Cole and Maurer at ___.

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provided by supervising attorneys and judges obligates law schools to make sure students gain optimally from their field placements.

Ultimately, the particular nature of field placement programs necessitates development of a unique externship pedagogy.¹⁸ This is so because these diverse programs share distinctive features which carry powerful implications for teaching and learning.¹⁹ First and most importantly, in field placement seminars, classroom teachers generally do not supervise student fieldwork. In-class discussion of fieldwork is at arm's length, with the drawbacks and advantages that distance provides.²⁰ Second, field placement teachers are increasingly skilled practitioners, not full-time faculty.²¹ These teachers bring a perspective informed by a career in practice, creating a need to articulate principles of experiential learning that field placement faculty themselves can readily assimilate and use. Third, field placement classes generally include students in disparate placements such as state and federal judiciaries; nonprofit agencies in widely-varying areas like immigration, domestic violence or government benefits; or local, state and federal government offices.²² Field placement class goals and design must serve students in different areas of law. Field placement faculty must communicate the relevance of

¹⁸ Kotkin, 19 N. Mex. L. Rev. at ___ (tracing evolution of in-house clinical pedagogy over 1970s-80s as prevalence, funding, sophistication, student demand and place within law schools changed).

¹⁹ There are other important differences between field placement programs and in-house clinics, such as that in-house students are more likely to act as chief attorney whereas at externships students are more likely to be in a supporting role to a supervising attorney. However, this article focuses on the differences that most strongly dictate a different approach to classroom teaching in field placement classes and that yield useful lessons on how to train field placement professors.

²⁰ As an example of an advantage, a classroom instructor who teaches but does not supervise students in diverse placements can weave together general concepts and workplace specifics so students "discover how instrumental and critical perspectives intertwine to make a complete frame of reference." Condlin, 36 J. Legal Educ. at 66. As an example of a drawback, the externship teacher generally lacks familiarity and problem-solving power since externs "are enmeshed in a complex system with respect to which the faculty supervisor is an outsider." Jazsi et al., 5 Clinical L. Rev. at 412.

²¹ Cole and Maurer at ___; CSALE.

²² This model is quite different from an in-house law clinic, often focused in a single practice area and supervised by a career in-house teacher.

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what's done in class so students buy in to subject matter outside the confines of their fieldwork.

This buy-in motivates the transfer of classroom lessons to students' later work lives.

The following sections focus on two critical methods used in in-house clinics to develop the skills of self-reflection and thoughtful self-critique: the use of simulations and the use of checking-in, the externship variant on rounds.²³ In this paper, the methods are imported into the field placement context to illustrate how they can be used in class to yield fundamental insights that reverberate beyond the semester. Section I explores the use of simulations in externship seminars by illustrating how to teach practitioners-turned-externship-faculty to construct and run simulations. It does so by running through a simulation in which teachers learn how to teach simulations. This discussion shows how field placement programs can engender deep learning-by-doing, both among externship faculty incorporating clinical methods and the students they will later teach. Section II explores how checking-in in an externship seminar can lead students to engage in critical self-reflection. It does so by recounting a check-in session and three different attempts to teach reflection with varying levels of effectiveness.

²³ Rounds in the in-house context consist of “structured conversations among peers...focused on fieldwork.” Susan Bryant and Elliot Milstein, *Rounds: A “Signature Pedagogy” for Clinical Education*, 14 *Clinical L. Rev.* 195, __. As discussed below, externship checking-in is also structured and is also focused on fieldwork, but is not tethered to the details of cases and is less practice area-specific. It requires instructors to issue-spot and draw out commonalities given students' various placements.

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I. The use of simulations

Utilizing simulations that thrust students into the lawyer's role offers unique benefits in field placement seminars. It engages students, opening them up to externship learning.²⁴ In Cardozo's teaching evaluations, students consistently single simulations out for praise.²⁵

Additional reasons to include simulations in externship classes include that, first, externs often do not have primary case-handling responsibility, instead spending their time assisting a lawyer or observing lawyers in action.²⁶ Simulation work fills a gap, providing externs with the opportunity to assimilate what they have seen and done on the job by going through the motions of practicing skills, exercising judgment, and reflecting on what they have done.²⁷ Next, simulations involving basic skills like negotiating or counseling bind together disparate placements by showing students how basic lawyering tools transfer across practice areas. Finally, role plays draw upon the expertise of practitioners, many of whom have years of exposure to different practice styles and are likely to have strong and hopefully well-informed opinions about what makes for effective practice.

Simulations are also a useful tool in teaching externship teachers. This section recounts a simulation involving externship seminar teachers. It proceeds on a number of levels simultaneously to illustrate how simulations can be used effectively both to teach students and to train externship seminar faculty to teach students. At each step of the training of teachers, the simulation models a method teachers can use with their own students. Faculty learn how to

²⁴ The end point of all this discussion is the practice of reflection. This is the goal in the training room and the classroom.

²⁵ Insert quotes from evaluations.

²⁶ Provide authority.

²⁷ Eyster, 5 Clinical L. Rev at 379 (arguing role plays in field placement classes go beyond skills training and foster the synthesizing of doctrinal teaching with law practice, for example in a role-played deposition in which students "start to connect the concepts of evidence and theory of the case to the practical difficulties of adducing evidence").

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create and teach simulations. Their students can later learn to reflect on whatever skill or aspect of lawyering the simulation addresses.

The example below shows how to develop simulations geared toward specified learning goals given a particular set of learners. In the example the learners are practitioners teaching externship seminars; in externship seminars, the learners will be law students enrolled in a field placement program. The example breaks down how to design and run a simulation step by step, a demystification that non-fulltime faculty externship teachers need so they can be empowered to adopt this teaching tool. It also illustrates the bright light simulations can shed in the course of learning, as a role is assumed and a new perspective is experienced.²⁸

An agenda for a training on using and constructing simulations might include (1) setting out goals for the training, (2) providing theoretical context, (3) actually conducting a simulation, and (4) debriefing the simulation. This section discusses each of these in turn.

1.Set goals. It is essential for the teacher to set common goals for externship seminar students.²⁹ Thoughtfully formulated goals focus discussion. They lay the groundwork for looking back and understanding what was accomplished.³⁰

Given the fact of disparate placements, the classroom teacher must create an overarching structure for learning that transcends a practice area and type of practice.³¹ The class as a whole and each segment or assignment should have a purpose the teacher articulates to students. The urgent demands of practice are unlikely to be present in an externship seminar, in contrast to an

²⁸ Cite simulation literature.

²⁹ Stuckey, Best Practices at 168.

³⁰ The trainer of externship faculty will herself in fact have goals, e.g. gaining insight into the concept of reflection; practicing interactive teaching; providing concrete ideas for the classroom.

³¹ Externs cannot engage in the “building-block learning” that a shared practice area and type of representation can support in the in-house context. Bryant and Milstein, 14 Clinical L. Rev. at ___.

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in-house clinic, making the relevance of the subject matter less readily apparent.³² Teachers must announce the point of what is being taught in an externship seminar to students in no uncertain or unclear terms.

For students, learning about their instructor's goals helps answer the fair question: "why do I have to take this class?" Knowing that the class aims to do x or y shows students the arc of the class. It demonstrates relevance despite the fact that their placement in the general counsel's office of an international human rights advocacy group, for example, may be worlds apart from another student's placement at a housing law center and another's at a public defender's office. It promotes transfer of learning from classroom to life, with the teacher's modeling encouraging students to set goals for themselves.³³

Simulation in training of externship faculty: goals

Trainer: *In today's training we'll work on sharpening goals and articulating them to our students. We'll role play an externship seminar meeting halfway through the semester. Our three students sitting here will play externs in the class. Faculty, let's say you're about to have students check in, and you want to focus on supervision problems you've been hearing about over the weeks. Teacher A, our first volunteer, can you get the students started?*

Teacher A: *Hi guys, let's hear about your week at work and maybe the class can help each other out. Student #1, bring us up to date.*

Student #1: *I'm still spinning my wheels. You'd think at a housing nonprofit they'd want to use all their manpower, but my boss still has me taking notes on endless meetings.*

Teacher A: *I know you've wanted more strictly legal assignments. Anybody else in the same boat?*

Trainer: *Let's interrupt and freeze the action for a moment. Teacher A, what were you communicating with "help each other out"?*

Teacher A: *Lots of heads are better than one. Other folks may have strategies to share.*

Trainer: *You're identifying the skill of collaborative problem-solving, and also listening. Could I ask you to articulate that for your pretend students here to bring that goal out in the open and show them they're practicing an essential skill, not just shmoozing?*

³² Bryant Milstein, 14 Clinical L. Rev. at 222. "In-time learning" is knowledge that students are highly motivated to acquire/master because they perceive an immediate need to know it for a case at hand. See also Bloch, *Andragogical Basis of Clinical Legal Education*, ____ (noting that adult learners are more motivated to learn things they will use right away).

³³ This is along the lines of Yogi Berra's classic quote, if you don't know where you're going, you'll never get there.

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***Teacher A:** Everybody, we're going to check back on some of the supervisor problems you've been telling us about. This class is a resource for you as your colleagues will be in practice. I'm constantly vetting my legal issues and people issues with my colleagues at Legal Aid. Let's see if we can do some of that here. Being able to listen and to collaborate makes you a better problem-solver...and lawyer.*

For teachers, this broadening of scope plants the idea that a skill has the potential to transfer outside the classroom walls. The teacher has stretched. She understands more about the power of naming to convey an idea. She has learned experientially about how to teach.

The students observe that there is a larger frame to what they're doing. The teacher's own experience puts collaboration into the professional context. The flash forward into their own post-graduate jobs cultivates motivation.

2. Provide theoretical context. Putting reflection in the context of the rich clinical and experiential literature introduces newcomers to the language and practices of these fields.³⁴ Writings should provide faculty with an introduction to the concept of reflection, addressing the question "what do we mean when we talk about reflection?" They need not comprehensively survey the field since briefer excerpts and comments will be sufficient, and more readily absorbed. The point is to communicate that teaching and learning are complex processes, going well beyond chatting about what students did in the past week. The point is also to empower field placement faculty to attempt to teach students how to learn from experience. The writings of learned experts empower field placement teachers to make the scary attempt to teach reflection. Well-chosen, accessible writings deepen understanding of how to deploy the

³⁴Including theoretical readings conveys that skills and simulations are "subject[s] requiring the same kind of conceptual generalization that helps one understand other subjects in law school." Jay M. Feinman, Simulations: An Introduction, 45 J. Legal Educ. 469, 470 (1995)

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pedagogical tools discussed in the training session and use them to create lessons that stick with students.³⁵

Those training field placement faculty can distribute or display a few paragraphs or pages and discuss how it relates to teaching reflection. There are innumerable writings which can be helpful here. One example of literature to draw from is Stephen D. Brookfield's *The Skillful Teacher: On Technique, Trust, and Responsiveness in the Classroom*.³⁶ One section of the work on debriefing role-plays applies well to the process of checking in on workplace progress in an externship seminar. This section discusses two points Brookfield makes, placing them in the externship context to show how they may be shared usefully with externship faculty learning how to teach reflection.

First, Brookfield instructs that after participants engage in interactive work they should “give their own interpretations of what...transpired as it was seen and immediately experienced...” Participants should “talk about what pleased and worried them...what they feel could be improved in their own actions, and what issues they think are unresolved.” This conveys that an extern checking in should report authentically from her own perspective about the lawyering task she engaged in. The reporting should be both objective, taking a step back to consider how her performance appeared and how it affected the client or case, and subjective, i.e. how she felt about it. Asking a student to report on her fieldwork conveys to the class that examining one's experience practicing law is important and worthy of academic focus. It conveys that lawyers should develop the habit of self-reflection.

³⁵See e.g. Hurder, Bloch, Brooks, Kay, *Clinical Anthology: Readings for Live-Client Clinics*, 2nd Ed., 2001, especially Chapters 1-4, 10... [expand]

³⁶Stephen D. Brookfield, *The Skillful Teacher: On Technique, Trust, and Responsiveness in the Classroom*, 123-130 (1990).

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Second, Brookfield advises that “observers” of the interaction (here the externs listening to another extern check in) should “ask questions of the [students checking in]...about their actions and the instincts, reasoning and assumptions that informed these.” At this point “the emphasis is on eliciting information. Critical comments and judgments should be kept to a minimum.” This passage indicates that the class should listen to a student checking in and ask her questions before giving their opinions on whether she did well or not and what she should have done. They should suspend judgment, creating an atmosphere so the reporting student feels comfortable being vulnerable enough to engage in frank self-critique. Learning to listen closely to another student explain what went into a lawyering choice conveys that making such choices should be an examined process. The message that there is nothing rote about effective legal decisionmaking emerges. The field placement seminar should get students to model the habit of making thoughtful, conscious choices about what benefits a client or case.

3. Conduct a simulation. Field placement faculty trainers should carefully model constructing and conducting a simulation to show faculty how this can be done effectively. Teach by doing that there is no simple or scientific way to construct a working, educational simulation except to prepare thoughtfully and take a stab.

The fact pattern involved must be carefully designed to advance the session’s goals. The trainer should carefully consider what roles are involved; how long various segments last; what facts are involved; and what is set in stone and what is subject to judgment. Lack of time management can mean the simulation eats up the entire class session. Critique tends to be shunted aside as the simulation expands to fit available time. Yet time management is a concept lawyers are familiar with. Teachers can learn to estimate the amount of time a segment of the class will take and leave ample time for critique at the end.

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Failing to work up parameters sufficiently sets participants up to fail. In one simulation I observed, externship faculty assigned students to act as prosecutors or defense attorneys negotiating a plea bargain in a wage-and-hour violation case at a car wash. Students were assigned roles and given a criminal complaint. They were not, however, provided with information about what weight of the case might be – a year in jail? \$50 fine? – or how the adversaries would typically negotiate -- on the phone? In court in front of a judge? As the instructors later observed, the students floundered, a superficial negotiation ensued, and students left appearing frustrated. They needed to be armed with sufficient facts to create a jumping-off point from which they could dig into the role and improvise at a high level.

Thoughtful preparation attends to details that make a simulation succeed. Another externship instructor designed a simulation based on a real-life high-profile case in which the Manhattan District Attorney's Office was deciding whether to charge an international financier with sexual assault against a woman working as a maid in a hotel. The simulation was an internal strategy meeting, in which lower-level prosecutors made the case to charge or not to charge to the Manhattan District Attorney and his deputy. The class goals were to practice oral advocacy to a particular audience in a highly-pressured situation, and to master a complex and disputed set of facts. Students read publicly-available pleadings and news articles. By report of the teacher and class, this simulation engaged and enlivened students, who felt capable of making sound pitches by virtue of knowledge gained and in-class preparation. The exercise created investment in a topical and controversial case towards the goals of illustrating challenging practice skills relevant to students working in many areas of law.

In the teacher training, various people at the law school may usefully participate in the simulation. First, enlisting actual students to role-play themselves as externs breathes reality into

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a simulation. They should know generally what to expect when they step into role; yet they will productively bring the unexpected into the room. Next, including in-house clinical faculty as part of the training agenda is another way to introduce field placement faculty to the depth and rigor clinical teaching can provide. In-house faculty can sit in on a session and comment on a simulation, or speak briefly about their philosophy and practice of clinical teaching. Finally, asking for volunteers from among the trainees thrusts participants into a learning posture. Volunteers play themselves as classroom teachers. There may be reticence about volunteering as with anything done before a group, but faculty soon see that it is in their interest to participate rather than sit and observe. New faculty particularly welcome the opportunity to rehearse teaching skills and get feedback.

After providing facts and assigning roles, the simulation commences. The trainer should say “start” or have the teacher walk into the room or otherwise concretely indicate the point at which the simulation begins. Identifying the moment when participants are playing a role indicates the show is about to begin and heightens buy-in. Play-acting makes people self-conscious so they often joke around about their role, half-participating and half-mocking; the training should model seriously committing to a role. The momentum of the scene then intensifies. The action at hand takes on a life of its own. The teachers and students role-playing teachers and students respond spontaneously as they would in a real-life class meeting, engaging in check-in and conversation that provides rich raw material to look at. The trainer will call time at the end of the simulation to definitively mark an end point and the commencement of the next step. More than one participant should take a turn and play the role of teacher, to contrast styles and involve the group.

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Simulation in training of externship faculty: conducting (part of) a simulation

Trainer: Let's continue with our simulated check-in. Teacher B, you're up next.

Teacher B: So you're frustrated with your assignments.

Student #1: Yup. I feel like a little scribe.

Teacher B: What are the notes about – and I know we're remembering confidentiality here.

Student #1: What people said, main ideas, what everybody's supposed to do.

Teacher B: Anyone else had a similar experience?

Student #2: I've been taking notes all semester for an access-to-justice working group. It doesn't really feel administrative to me.

Student #1: I know they're preparing for a state-wide tenants' rights campaign, but still. I didn't go to law school for this.

Teacher B: have you talked with your supervising attorney?

Student #1: He's pretty busy.

Teacher B: Right. #2, any thoughts on how #1 can improve the situation?

Student #2: from my perspective, the note-taking is valuable. You have to decide what to put in and leave out, and they're going to rely on the summaries later.

Teacher B: #1, it sounds great. Anyone would jump at the chance to be such an integral part of the team. I'd love to have someone taking notes at meetings and summarizing them for me.

Trainer: I'm going to break in here. Teacher B, I want to challenge you to help Student #1 gain perspective and assimilate ideas on how to reassess or change the situation, before you dispense what may be perfectly sensible advice. What might help him gain insight into his "plight" and ways to change or accept it?

Teacher B: Okay.... Student #1, what portion of your work have the meetings been?

Student #1: I've been at the agency five weeks. We've been in strategy sessions most of the last two. When I'm not doing that I'm putting together minutes and researching issues that came up.

Teacher B: Who would be taking the notes if you weren't there?

Student #1: My supervisor, I guess. It's not that I don't think the summaries are valuable. They all pore over them and work off them. I'm frustrated because I tried to make a comment, and instead we wrapped up. I felt like nobody wanted to hear what I had to say.

Teacher B: Is there a way to make time for that comment?

Student #1: I could bring it up with my boss. He did say a while back that I'm becoming an expert and he wants my input. It's just hard to find the time. I guess I could go in early and ask if I can walk with him to get coffee. I know they're all busy, and it's amazing what they're doing. I just really want to be a part of it.

Teacher: Give it a try and let us know. We're expanding our conception of what it means to practice law here. Administrative duties are always part of a lawyer's work. Yet we also want to call upon our judgment and analytical powers. With public-interest work time is always scarce. That intensity has implications for you as students, and will affect you if you do public-interest work as well.

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In this interaction, students experience each other as “peers and experts.”³⁷ Their understanding of their professional role grows as they come to see themselves as agents of change, not as subordinates who are powerless to improve their circumstances. They practice drawing upon each other as resources.

The teacher makes sometimes-awkward attempts to teach reflection, a profoundly complex skill that does not come naturally to most of us. Faculty participants absorb that learning to teach is a process that involves missteps but can yield improvement. Lurching forward with their own progress, they become better able to bring students along into learning experientially.

4. Debrief the simulation. A structured debrief must follow the simulation.³⁸ An unexamined role-play squanders potential for learning. The exhaling and relief that accompany stepping out of role introduce a moment ripe for insight.

There is no one debriefing protocol or order that fits all simulations. Self-evaluation should not be rigid but should proceed on a granular level, sprouting indigenously from what happened in the previous minutes.

There is a cardinal principle: the debrief must reference the goals of the simulation. The role-play was done for a reason which should not be abandoned. The purposefulness of circling back to the starting point conveys a message about the need for rigor and direction in the study of experience. By methodically returning to the goals stated at the outset, the trainer or teacher models setting goals and evaluating progress. This habit is fundamental to practicing critical self-reflection.

³⁷ Jane Aiken, *Provocateurs for Justice*, 7 *Clinical L. Rev.* 287, ___ (2001).

³⁸ Without structured feedback, “self-assessment is an after-thought...[which is] often underdeveloped, inconsistent, and incomplete...” Beryl Blaustone, *Teaching Law Students to Self-Critique and to Develop Critical Clinical Self-Awareness in Performance*, 13 *CLR* 143, ___ (2006).

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Trainer: Now that we've wrapped up our simulation, let's go back to one of our goals, gaining insight into the concept of reflection. What thoughts about reflection do you have after volunteering?

Teacher B: I found it very hard not to tell the housing agency extern just to take it easy and enjoy the ride. He's privy to an incredible brain trust working up a major advocacy campaign. He got so involved with not being able to put his two cents in. Yet by my asking questions he did realize that on his own. He also may have found a way both to do the support work and speak up. It's kind of new and different to let them get there on their own. I feel a loss of control. It's like why do they even need me here? I think it was good though.

Trainer: Did they need you there?

Teacher B: Well, I did encourage #1 to listen to #2. And I think my questions did help #1 to stop fighting the situation so much. He admitted he felt small. He thought about how to possibly improve his experience.

Trainer: This is the contemplation and self-searching we're asking you to bring to your teaching. Your reflection will help students learn to reflect.

In addition to returning to goals, following the Brookfield advice above, participants should first report thoroughly on their experience in the simulation. An open-ended question like "how did that go for you?" can elicit comments on the role-playing faculty member's view of what choices were productive, what led to a dead-end, what was surprising. More pointed questions should follow, honing in on key moments.

Trainer: What was going on with the discussion about the access-to-justice writing assignment?

Teacher C: I did not know how to deal with that. Ten minutes of the supervising attorney, her vacation, the on-call attorney, the emails, the lateness. The whole discussion got away from me. Way too much detail.

Teacher A: I have no idea what I would have done in your shoes.

Trainer: Is there something you would do differently if you could do it over?

Teacher C: I don't know. I guess my question really is who's in charge in these discussions. Am I supposed to rein students in, rely on the group to provide guidance, or kind of let them take it where they want to go?

Trainer: How do others see your role in these check-ins?

Teacher A: For me it's a balance. I have 20 years of practice experience and they can learn from it. I think it's important to give little nuggets about what real life is like in the field.

Teacher C: I agree, and I do that. But we're not going to be with them in practice. They're going to be in the driver's seat. And they better start figuring out how to make their own decisions now.

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Faculty will critique themselves, sometimes too harshly. The usual focus and thoughtfulness on practice open up to include the process of how learning happens. Through colloquy, the magnifying lens is turned on how teachers can make intentional teaching decisions.

Going back to the sketch of Brookfield's methods, discussion should open to allow the trainee group to ask questions of the faculty who role-played. Observers will not want to sit silent but, when they start feeling comfortable, will want to participate. Getting them to ask non-judgmental questions rather than start opining on what they thought and what would have worked better is a challenge. The trainer should attempt to guide this phase of the debrief in this direction: what questions do we have for the volunteer to understand what happened?

Finally, the training should build on the Brookfield schema by mining the information that has just been gathered through self-reporting and questions by observers. Open discussion should ensue. The trainer may want to focus on goals. However, participants will have their own ideas and take the discussion in other places that interest them. They will bring valuable insights from practice and prior teaching. Having broad leeway to attack the problem from their own angles helps them take ownership of strange new ideas and vocabulary.

It is essential to identify concrete takeaways from the simulations. We have all left training sessions full of excitement about something fresh and new, which is jettisoned along with materials and notes which are never incorporated into our work. Teaching students reflection through interactive work is so strange and challenging to a new field placement teacher that it is likely to go this way without specificity and reinforcement. The takeaways should be shared, to make sure everyone produces one and to learn from others. Making connections in the field placement class between varied student fieldwork and common student learning is crucial. Making such connections in the faculty training points out this challenge. The use of simulations

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in the training of externship faculty educates faculty on and supports the expert use of this clinical teaching tool in externship seminars.

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II. Cultivating self-reflection through “checking-in” in externship seminars

Learning the skill of self-reflection through checking-in is an elusive yet worthy goal in field placement classes. All of us chat about work -- nursing wounds, puzzling over problems, reliving triumphs. Structured checking-in places a magnifying lens over this activity, extracting deep lessons and inculcating habits of reflection, listening and collaboration.³⁹ The externship seminar provides a proper forum and takes place close in time to work experiences. Questions from the instructor and class can stimulate student memories “evocative enough to recreate the relevant experience in the student’s mind when it comes times for analysis.”⁴⁰

To teach reflection through checking-in, faculty must have a working understanding of it. In this context reflection consists of thoughtfully considering aspects of lawyering students have done to assess lawyering performance – one’s own and the performance of others – and glean lessons from it. An essential part of the definition is that reflection should be a lifelong part of lawyering, not something just for law school, big cases, or losses. Another aspect is the structured, rather than haphazard, nature of the undertaking.⁴¹ The task for field placement faculty and those working with them is to give life to this concept so faculty make it their own and are motivated to do the hard work of teaching it in their classes.

The idea that self-assessment is itself a stand-alone lawyering skill that can be taught in a classroom is likely to be completely new to those outside the clinical academy. Field placement teachers must assimilate the lesson that students generate the most profound and lasting self-assessment on their own, through their own painstaking consideration and interrogation of

³⁹ J. P. Ogilvy, Leah Wortham & Lisa G. Lerman, *Learning from Practice: A Professional Development Text for Legal Externs*, 2d ed. (Eagan, MN: Thomson/West 2007) at 192-3.

⁴⁰ Condlin, 36 J. Leg. Educ. at 68.

⁴¹ *Learning from Practice* at 146 (defining reflection as thinking “in a disciplined manner” about lawyering).

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performance. Professors then need to make a deliberate decision to withhold commentary to allow students' confusion and discomfort to coalesce into new skills and insights in the classroom. Professors then need to actually carry out the decision despite ingrained, well-meaning instincts to advise students how to improve performance.⁴²

Instead of being the first word, professors can practice the art of setting up a critique session where sufficient foreknowledge of objectives, a non-judgmental atmosphere, and probing, open-ended questions lead students to make the most important observations themselves. Avoiding the instinct to pass judgment on student performance requires field placement professors to develop a nuanced and functional awareness of how learning happens.⁴³ Teaching non-directively in the field placement context can accustom students to owning a problem and generating a solution.⁴⁴

Checking in is a key component of the externship pedagogical toolkit which takes many forms, among them narrations of the work students have done; a chance to ask the professor or fellow students about substantive law or how to carry out a specific task; a chance to vent about problems and ideally generate solutions; and finally the opportunity to engage in reflection. The last can occur spontaneously. However, it will only emerge dependably when the professor uses thoughtful and intentional questioning to focus students on their choices in an important moment, and what is gained and lost with different choices,

⁴² Linda Morton named this process feminist and saw the need to “create a completely different power structure in the [field placement] classroom” that “valued the mutual and cooperative exchange of experiences” and “avoided the pressures of professorial evaluation.” Linda H. Morton, *Creating a Classroom Component for Field Placement Programs: Enhancing Clinical Goals With Feminist Pedagogy*, 45 Me. L. Rev. 19, 38 (1993).

⁴³ Both students and faculty will improve skills of self-reflection over the course. Kimberly E. O'Leary, *Evaluating Clinical Teaching - Suggestions for Law Professors Who Have Never Used the Clinical Teaching Method*, 29 N. Ky. L. Rev. 491, 508-09 (2002).

⁴⁴ Morton at ___; see also Knowles as relied on in Bloch/Andragogical Basis for Clin. Legal Education.

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The question of the goals for the class necessarily arises when we set out to determine whether the teacher taught effectively or not. The class can wander aimlessly without a map. The previous section considered the place of goal-setting in simulations. For check-in sessions, the teacher might identify as classroom goals for students to: gain insight into what constitutes effective preparation and performance and assess one's own preparation and performance. Field placement faculty also need to absorb the contrary lesson that class aims must be open-ended and flexible, though without excessive meandering. Even the most well-prepared teachers cannot know what students will bring up or will have done before the class. The need for openness is inherent in experiential work. The unpredictability is exciting and foreshadows legal practice.

This section frames the issue of teaching reflection by rendering three attempts to do it using the same facts. The means of teaching reflection in this example is to incorporate it into a “check-in” about student placements. The setting is a general civil externship seminar. The students are externs in various nonprofit organizations. They are reporting to the class on their placements. The professor is a legal aid lawyer who works in a government benefits office. One student, “Christina,” is working at a legal services immigration unit representing non-citizens who are victims of domestic violence seeking “U visas” to extend the time they may legally stay in the U.S. In the last class, Christina reported that she had done a phone intake for a new client and was tapped to conduct an initial intake interview, which has now occurred.⁴⁵

Background for all three scenarios:

Professor: Hi everybody, as promised this week we will check back on client interviews that were slated to happen during some of your field placements. Christina, did you do the U visa interview?

Student: Yes. It was a trainwreck. My supervisor sat in. I introduced myself and the office through the interpreter, asked the client why she was there, and started collecting her

⁴⁵ Note that this is not a class on how to do a client interview, but the checking-in section of an externship seminar in which students are reporting on activity at their placements.

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information. I spent 45 minutes getting her background and stuff about her kids and work in this country. I could not bring myself to ask about the violence she suffered – not how long it lasted, when it started, what it consisted of, whether the kids were there -- nothing. I wrapped up the interview and walked into the hall with my supervisor to check in with her before sending the client off. My supervisor told me I had to ask about the abuse itself. We went back in and I finally got what we needed. My supervisor said it was par for the course when you're just starting out, but I felt like a complete idiot.

The next section reviews various directions in which the teacher can now take the class. The teaching strategies are, first, making no attempt to engender self-reflection, second, making a colorable attempt which could be stronger, and, third, making a productive attempt which leads to student learning. The comments following each example analyze the teacher's strategy. After the three examples, the section enumerates concrete ways to teach the skills faculty can use to elicit self-reflection in a field placement seminar.

Example 1: Not attempting to elicit self-reflection; practice focus

Professor: Don't worry about it, you got there. What's your legal theory at this point? And did she file a police report? She can't even file for the U-visa without reporting, can she?
Student: Yes she made a police report, but only after she came to us for the visa. Does she still qualify? I know making a official complaint is a pre-requisite for filing for the visa, but what if it's done in anticipation of litigation...

In this example, the teacher does not attempt to aid the student in looking at her own performance, and Christina does not do so. The student has completed an exceedingly difficult lawyering task, meeting the challenges in a complicated legal backdrop, newness to the process, a client interview across cultural and language barriers, and the sensitive nature of the information needed from the client. According to an experienced supervisor she did a good job. Yet she reports feelings of failure and evinces an inability to absorb the positive feedback. The class discussion starts to look at the interview, but quickly moves on without addressing her choices in preparing for or carrying it out. The challenge of delving into sensitive information about a client's life is barely referred to.

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There are undoubtedly multiple reasons for the professor's avoidance of questions which would lead the student to examine her own performance. His cursory, if sincere, reassurance may reflect his desire to shore up the student and acknowledge the enormity of the task accomplished. He certainly wants to help the student with her case. He is probably not in the habit of abstracting the process of learning and separating it from the imperative to make a decision on a case. And ironically the same reason the student did not want to ask about "hard" things may be the very reason the professor avoided digging into the occurrence of domestic violence, which is difficult for anyone to discuss.

The professor's practice-oriented approach is not without benefit. The student may get an answer to her substantive-law question or information on where to find an answer. She may gain insight into the need to respond quickly and effectively in a high-pressure environment through the professor's immediate focus on clarifying applicable law and defining next steps. Other students may echo the professor and support her by complimenting what she accomplished.

However, the professor's approach sacrifices the opportunity to explore what Christina and the rest of the class can learn from preparing and conducting the interview, particularly her reluctance to investigate a fundamental element of the case, the domestic violence. There is no acknowledgement that learning is a process worthy looking at distinct from strategy on one case. This process goes unexamined along with the conscious and unconscious choices Christina made, how they related to her goals in the representation, how effective the choices she did make were in advancing her goals, how she might productively take in affirming response and mediate self-doubt, and what she should do differently next time.

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By engaging in negative self-evaluation, Christina herself hinted at openness to reflection. The classroom process should help her find tools to improve this habit and raise the questions with other students. In Example #1, message that substantive law and strategy are the central and worthy topics for the class comes through loud and clear. The message that how we prepare and learn is equally worthy needs to be clearer.

Example II: trying to teach reflection, with limited effectiveness

Professor: I don't think you should worry about not asking the right questions the first time. In my first client interview in law school I ended up giving legal advice – without a license, obviously -- and had to go back in and completely retract it. You're also dealing with a very delicate subject area. Anyone would have a hard time. It sounds like they trusted you with good reason and you ended up doing a great job with the interview. How do you think you did, on a scale of one to ten?

C: A four I guess. I got the job done. I did connect with the client. She hugged me when she was leaving. It was just the cop-out on the DV questions and having to have my supervisor tell me I had to go back in.

Prof: Be a little more generous. I'm gonna go up to a seven or eight. And soon you'll be a nine. What does everybody else think?

Student #2: Definitely an eight. I could not do that. Really hard. Makes me feel like I'm working in happy law helping incorporate a new arts nonprofit.

Student #3: No, nine. You did great.

C: Well, thanks.

Prof: You did find a way to broach the issue in the second half of the interview. What did you say?

Christina – I know this is difficult to talk about. I have to ask it to fight for you. I'm going to ask specifically how he hurt you. Can we do that now?

Prof – Did you consider other ways of setting her at ease?

C – Yes. I offered her a drink. I made it a point to look her in the eye. I spoke slowly. All the things my supervising attorney suggested.

Prof – Let's replay moment right before break in interview where you could transition into talking about abuse. She had just finished telling you about her job and her kids. What's the next question going to be?

C – Ok. [silence, gathering her thoughts] Thank you for telling me all that. Now we're at a point where I need to ask you some pretty detailed questions about his violence. As you know, knowing this will help us show the judge why she should give your family a visa to stay here. If I tell her general things she won't understand, so I have to tell her specifics. Can we do that now, or would you like to take a break?

Prof – That was great. You did it...

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In this class, the professor plays a highly interactive, directive and supportive role. He leads Christina to effectively re-imagine and re-play how she could do the interview better and broach the painful subject of domestic violence. The professor starts with a war story identifying with the difficulty of making choices about representation while a law student. He asks Christina to assess herself on a numerical scale. While somewhat reductionist, the scale question succeeds in getting Christina to articulate some of what she accomplished, which she had not done to that point. The teacher attempted to bring the rest of the class into the conversation. He modeled uncritical affirmation and they followed suit. Perceiving the opportunity to re-enact a tough spot in the interview, the teacher directed Christina to consider how she would have approached the abuse issue differently. She took the time to consider, and generated a way to do so. The class's attention was clearly directed to the issue of "difficult topics," although they did not explore it or relate it to their own placements.

From a clinical teaching standpoint, there is some progress in the area of self-assessment. The teacher's choices do stimulate Christina to engage in limited assessment of her own performance. However, she remains sternly self-undermining without being spurred to realize how harsh she is being or how to take a more balanced view. Plus the teacher involves Christina in remediating a problem – avoidance of the topic of domestic violence – without stepping back to consider why she landed in that problem in the first place. The close-up perspective on the case at hand is not enlarged to a broader frame.

The issue of peer critique is similarly broached with some positive results yet room to dig deeper. The teacher asks the other students for their assessment of Christina's performance, but only by seeking a numerical assessment. The teacher is not able to find a way to put the rest of the class into Christina's shoes to perceive the barriers she faced while preparing and

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interviewing. Deeper engagement with issues of preparation and performance, specifically exploring barriers to full preparation and effective performance, would better utilize the other students as resources for Christina and themselves.

The use of the spontaneous mini-simulation is creative and effective. This teaching tool comes more naturally to practitioners than does non-directively trying to elicit reflection. The latter is, as discussed above, strange and new to field placement teachers. The former – “go ahead, now you try it” -- is actually done outside the academy, in settings like workplace trainings and impromptu coaching before a court proceeding. This familiarity comes in handy for field placement teachers and carries a likelihood that faculty will run students like Christina through these paces in useful ways.

The issue of broaching difficult issues was squarely identified and then glancingly dispensed with. Students may walk away from this class session knowing that some topics are hard to discuss, and that it is possible to become more comfortable with such challenges. They do not, however, walk away having related this to their own workplaces, or otherwise reflecting with a broader perspective.⁴⁶

A final notable aspect of the check-in is that the teaching goals -- gaining insight into what constitutes effective preparation and performance, and assessing one’s own preparation and performance -- are not mentioned, at least in this portion of the class. The teacher may have -- and should have -- mentioned them before the check-in began, but they don’t surface. It is his job to guide the class and help them see where he intends them to go. Referencing the goals performs the function of ordering and naming the activity in the class. Doing so transforms

⁴⁶ Operating at a “shallow level of learning” can limit the usefulness of knowledge to the facts it is originally tied to, and inhibit transfer of that knowledge to future situations. James M. Lang. Chronicle of Higher Education < http://chronicle.com/article/Why-Dont-They-Apply-What/136753/?cid=at&utm_source=at&utm_medium=en >

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checking in from chatting or venting about specific recent episodes into a focused educational exercise with lessons that turn today's raw material into life lessons.

Example III: Now you're getting somewhere

Professor: sounds grueling. Let's talk about preparation, and we'll come back to how it played out. Walk us through how you thought about preparing.

C: I was nervous so I worked this case up! I sat in on a bunch of other interviews, and asked my supervisor about them.

Prof: Let's take a step back. What was your plan to prepare?

C: Watch interviews, read law, watch court, write questions, say them out loud at home, email them to my supervising attorney, change them after she looked at them, dress up...

Prof: It's a lot. Knowing how hard this turned out to be, is there anything you'd add?

C: I think I would really have focused on the abuse section of the interview. I could have practiced that more.

Prof: Practiced how?

C: Well, my supervisor told me to call her the night before if I wanted to, but I didn't want to bother her and plus I had a ton of reading. I think given how incredibly difficult this was it would have been worth calling. Basically I was avoiding thinking about that section of the interview because I knew how hard it would be to get into it. So I put it under the rug. Walking back into that room for the second half of the interview was the hardest thing I've done in law school.

Prof: It may still be hard ten years from now. What's hardest about it for you?

C: It might be painful for our client to relive. I'm not big on asking personal questions of people I don't know. Feels like prying. Yet I know I had to get into it.

Prof: So circling back to your very thorough preparation, what turned out to be useful?

C: I had thought about what I wanted to cover. I knew what the judge was looking for from seeing her rule on these before. I ran my sketched-out plan by my supervising attorney so I knew my questions were in good shape. I had practiced the first words I would say to the client out loud with her because I was so nervous. I think preparing really helped me to feel confident when the interview started. I also had worked really hard reading the statute, caselaw and country-specific info. I felt secure about the legal side.

Prof: What would help you to ask the personal questions?

C: Prepping the interview out loud really helped me feel comfortable. I think practicing the questions about abuse out loud would make them easier to pose to the client.

Prof: Jared, you told us about your housing court interview last class and we talked about what you did to prepare. Take us back to your idea of planning before that interview.

Jared: It was pretty similar although I did less and the whole thing was less...sensitive. I agree on the court watching, writing out questions, running them by my supervising attorney, and definitely checking out the law. I think the hard thing for me was talking to this mom who was going to be evicted when her 9-year old son was right there in the hallway with us. I mean, he was there in the middle of the day during school time, and he looked so scared. It kinda made me mad at her. Then I felt like that was screwed up, and it was distracting.

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Prof: You're both talking about extremely intense experiences. What did you do in response to that anger during the interview, Jared?

J: I shoved it down and kept going. I advised her of her rights as a tenant. I gave her the materials from our info table. I've been thinking about it ever since.

Prof: And next time you work with another client – who may also have a child, either there or not -- how is that going to be? How can we prepare for these moments of raw emotion and still offer excellence as lawyers?

And the class continues. One salient aspect of this rendition of a class discussion is the wildly unexpected nature of some of the student reporting. This teacher has obviously created a sense of trust and openness in his classroom, another topic worthy of close examination.

Students are confiding about things that are fraught and emotional. It is possible that someone in the class is herself a survivor of sexual abuse, which requires sensitivity and raises issues that the teacher is not going to be equipped to handle or perhaps even be aware of. A seeming safe, typical discussion of client interviewing in a law school class has opened up deep issues. This may not happen on a regular basis. The important point, though, is that the field placement teacher must be flexible and open to everything students bring up, since real life intrudes into experiential work in ways it does not surface in static fact patterns in casebooks. A well-laid plan to systematically dissect and learn from checking-in on a student interview in a fairly detached manner changes course. Field placement teachers must be nimble enough to change their plans and guide students to learn from the unexpected.

At the outset the professor referenced the session's goals, reminding students that the agenda is to explore preparation and performance. He uses language that places the issues not just in the context of this one lawyering event, but with reference to planning for and executing strong preparation and performance in general. He asks about the general before the specific, invoking the larger context for students. Understandably, Christina goes right into her recent, vivid experience, but he keeps the larger context in view.

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Delving into the issue in this thoughtful manner led to deep insight on Christina's part. She looks inside at previously unrealized motivation for her behavior in preparing for the interview and avoiding the abuse. Her thoughts and feelings are operating in the classroom. Similarly, Jared speaks as if he is recognizing his anger in the moment of recounting to the class, sparked by Christina's check-in. This active, open-ended curiosity and reflection is the opposite of disengaged students in a field placement seminar surfing the web while half-listening to reports of what their peers did at work in the past week. These moments are what bringing clinical methods to bear in field placement classes can produce, at least sometimes.

The issue of engaging the larger class when one student is checking in is challenging. Here the professor managed to shuttle back and forth between the story of one client in immigration court, one recently-recounted story of another client in housing court, and the issue of legal and emotional preparation. To stay in such a moment and teach in a nimble, focused way is an outstanding aspiration. One riveting or complex check-in can absorb all the attention in the room, leaving the other students as outsiders. In a field placement seminar with disparate placements, the challenge is heightened to dig deep into specific situations while identifying points of commonality which relate to all students. Students listen, participate and learn in the class that "expertise in problem-solving is acquired by solving problems."⁴⁷

After looking at these three examples, it is clear that getting at the reflection that can arise in check-in is the challenge. These lessons must be taught and learned experientially. These goals are attainable at least sometimes with some students. Illustration of what an effective critique session might look like can flesh out the unfamiliar process. A training session for field

⁴⁷ Gary Blasi, *What Lawyers Know: Lawyering Expertise, Cognitive Science, and the Functions of Theory*, *J. Leg. Educ.* 313, __ (1995).

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placement instructors could include a simulation or example of a classroom critique session illustrating how insightful student self-commentary can be, or playing out how a teacher's conclusory sizing-up can shut down discussion.

Distilling guiding principles can aid teachers and those who teach and train them. These principles include the need to bring in fellow students as commentators and to examine their own experiences; to practice balanced self-assessment; to identify goals and say them out loud to the class throughout the discussion to keep eyes on the prize; to examine the process of learning in the room, looking not just at what is learned, but how; and to remember that flexibility and spontaneity are inescapable in the field placement world, and are opportunities for learning.

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CONCLUSION

Getting down and dirty with what clinical teaching can look like in an externship seminar, as this article does, illustrates the challenges and opportunities of making the attempt. Keep in mind that the range of effectiveness the examples show is intended to reflect what an excellent practicing attorney – not a career educator -- can accomplish. For those interested in training practitioners to teach clinically, it is important to be realistic about what can be taught. Externship teachers must actively engage with students, make intentional teaching decisions, use multiple modes of communication, be responsive to student experiences, create relationships in the classroom, and grapple with institutional issues.⁴⁸ Yet it is too much to ask to expect non-career educators and non-clinical teachers to consistently and expertly utilize these techniques to guide student to generate insight class after class. Realistically they should have these tools in their toolboxes, and use them regularly. They should get into the habit of framing teaching and learning success in terms of growth in learning, rather than only in gains in substantive law and skills. These habits increase the chance that externship seminars will provide the “mediated and systematic learning experience” that Anthony Amsterdam sees as the heart of clinical education.⁴⁹

The opportunities for lasting learning that field placements offer are numerous.⁵⁰ Classroom time in an externship seminar at best is an incubator of insight, a productive setting for rigorous and thoughtful processing of what legal life throws at students. The externship

⁴⁸ Ann Shalleck, *Clinical Contexts*, 21 NYU Rev L & Soc Change 109,___ (1993-94)(delineating the aspects of teaching involved in clinically supervising law students).

⁴⁹ As quoted in *Best Practices* at 172.

⁵⁰ An ongoing NAPL study attempts to capture the unfolding of lessons learned in experiential programs as young lawyers report about them in the years after graduation (cite).

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seminar is the only place in which a law school systematically encourages students to wrangle lessons from the discipline they are preparing to enter by studying the experience of working for a practicing attorney in the real world. In these seminars students can utilize an outsider's critical perspective and a short-term insider's access to look critically at the legal institutions in which they work.⁵¹ They can gain experience in creating a productive supervisory relationship. They can use class time to generate ideas to solve problems they face from a supervisor who gives too much work, too little work, is biased or harassing, absent, brutally critical, insufficiently candid, a poor role model, or presents any one of the panorama of supervision problems practicing lawyers encounter.

This article contributes to the still-“fledging”⁵² externship literature as these programs grow, offering just one of many paths to take. We should share and develop these ideas, and extend them into areas like the teaching of skills and ethics. There are many ways to approach this task. This version is intended to stimulate discussion and urge others to engage in this type of teacher training. Successful efforts will advance experiential learning in the field placement context and enrich this area of externship pedagogy. Ultimately given the vagaries of field supervision and the mix of students and teachers in these classes, educational outcomes will be diverse and unpredictable, as is law practice and the rest of life. The conversation about how students learn from real-life practice is worth having, and the teaching is well worth doing.

⁵¹ Jazsi et al at 412 (positing that the structure of externships in which students assist in casehandling and observe rather than master skills focuses extern “participant-observers” on reflection on legal systems).

⁵² Stacy Caplow, *From Courtroom to Classroom: Creating an Academic Component to Enhance the Skills and Values Learned in a Student Judicial Clerkship Clinic*, 75 Neb. L. Rev. 872, 877 (1996).