MANUAL FOR SUPERVISING ATTORNEYS

Thank you for serving as a supervising attorney for a student extern through the Legal Externship Program at the University of Denver Sturm College of Law (Denver Law). With more than 450 placements a year, Denver Law’s Legal Externship Program is the primary source of experiential learning for our law students. The majority of Denver Law students enroll in at least one externship during their law school careers. Externs work with corporate in-house counsel, private firms, government and non-profit agencies, as well as with judges at all levels. By working under the direction of a Supervising Attorney and having legal responsibilities, such as drafting briefs, performing legal research, drafting legal memoranda, appearing in court and interviewing clients and witnesses, externs gain the practical skills and professional values needed to become a successful attorney.

The success of the Legal Externship Program depends in great part on the strength of our supervising attorneys. We are grateful for the time and effort you devote to supervising and mentoring the externs in your organization or firm. 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 you and your extern develop a mutually beneficial working relationship.

Drawing from the manuals written by the Greater Los Angeles Consortium on Externships (GLACE) and the Bay Area Consortium on Externs (BACE), this manual reflects the ABA requirements for the conduct of externship programs, as well as Denver Law’s ideals for the supervision of externs in their placements. The manual articulates the standards we expect our extern supervisors to follow and highlights best practices in extern supervision. 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!
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SECTION I: EXPERIENTIAL LEARNING

Originally 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. The academy entered the picture when the first law schools were formed over one hundred years ago, and legal education gradually evolved into a primarily academic pursuit (i.e., the study of a subject without the necessity for any direct experience) 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 the legal field became broader and more complex.

However, reliance on case studies through the Socratic Method alone is not without a downside. Responding to desires for additional skills training, as well as calls for 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 1970’s. Students, supervised by law professors, represented clients in specialized areas of the law. At the same time, law schools added simulation courses that allowed law students to assume the role of an attorney in a variety of mock settings. Law schools also began to restore the apprenticeship component to legal education with programs variously referred to as externships, internships, or field placements. These programs 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.

Experiential learning approaches are being recognized anew as an integral component of a legal education. Denver Law offers students the opportunity to earn credit while working without pay as externs for practicing attorneys through our Legal Externship Program.¹ A legal externship is a monitored work experience where the student establishes intentional learning goals and reflects actively on what is learned throughout their experience. Externships provide a practical complement to classroom instruction by placing students in legal settings to gain meaningful experience. Through externships, students improve their research, writing, and drafting proficiencies, and are exposed to the skills needed to be successful attorneys. These skills include direct client contact, such as interviewing and counseling, and the ability to reflect upon the work of legal institutions and to analyze how professional responsibility impacts the day-to-day practice of law.

In an externship, the supervising attorney(s), and indeed all staff at the externship site, play a critically important role in the students’ education; in a real way, the supervisors are an extension of the

¹ Other experiential learning opportunities offered at Denver Law include clinics in our Student Law Office, http://www.law.du.edu/index.php/law-school-clinical-program, and fifty-hour legal service projects through our Public Interest Practicum Program, http://law.du.edu/index.php/public-interest-practicum, in addition to courses such as Wills Lab or the Graduate Tax Program’s Low-Income Taxpayer Clinic. Denver Law students may earn up to fifteen out-of-class credits during law school, ten of which may be externship credits.
law school’s teaching faculty. Law school administrators and professors partner with supervising attorneys to ensure a quality educational experience. In any externship program, the quality of a student’s experience is directly related to the quality of the supervision provided.

Students at a good placement site will learn in at least four important areas:

1. *An externship allows students to improve their legal skills.* Placement sites vary, and at some placements students will significantly expand their legal analysis, research, and writing skills. At other placements, the focus might be on negotiation skills, client communication skills, or courtroom demeanor.

2. *An externship helps students increase their knowledge of a substantive area of the law* such as criminal justice, environmental law, administrative law, or general civil law.

3. *An externship gives students the chance to learn the mission* of a particular government agency, court, non-profit entity or private firm and to see how the organization accomplishes its mission.

4. Finally, and perhaps most importantly, *an externship socializes law students* whose professional identities will be modeled in part upon what they see in their externships.

We thank you for your willingness to become directly involved in the extern’s education, and ask that you choose assignments that will stretch their skills, and provide feedback which will allow them to learn efficiently from their experiences. To help externs reflect on their new experiences, Denver Law, as well as ABA rules, requires externs to engage in a reflective component. All students enrolled in externships through the Legal Externship Program at Denver Law write reflective journals or participate in an online blog or discussion board, which are reviewed by faculty members in the Legal Externship Program. First time externs also are enrolled in related seminars designed to deepen their understanding of the practice of law in a particular field. To further foster meaningful reflection, we hope that you will discuss with them professional mores, and the things that drive you to perform as a professional. Finally, and most importantly, 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 - DEVELOPING STUDENT EXTERNS

Learning from experience is critical for 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 supervising attorney, are essential in creating that learning opportunity and providing much-needed experience. It is our hope that the investment you make in developing your extern will serve you and your organization as the student’s competency and ability to take on progressively more complex tasks grows.

Many have attempted to articulate the critical skills needed to practice law. While no list is exhaustive, students should have an opportunity to observe and refine a range of skills during their externships. To facilitate this development we focus on a comprehensive set of ten key competencies.

The first five competencies relate to the legal skills essential to the substantive practice of law. These are as follows:

1. Knowledge of the Law (researching and finding the law, knowing general substantive and procedural law, developing subject-matter expertise).
3. Analysis (critical review, reasoning, problem solving, understanding what facts mean, understanding what the law means, and applying the law to the facts).
4. Legal Expression (persuasive or objective oral and written communication of analysis, positions, opinions, arguments, and recommendations).
5. Practice Skills (executing practice-specific tasks such as, in litigation, 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:

6. Professionalism (maintaining integrity and honesty, diligence, civility, ethics, diversity, mistake management).
7. Client Service (building client relationships; understanding the client’s business, interests, and needs; providing advice and counsel; and building trust).
8. Leadership (communicating, influencing others, creative problem solving, collaborating, building consensus, envisioning, planning, and mentoring).
9. 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).
10. Business Development (developing strategic relationships, networking, and marketing your office).
The key professional development tools for acquiring these competencies are:

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

- Feedback and Evaluation
  - 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.

- Mentoring and Coaching
  - Coaching or 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, like all good feedback, should start where the student is and move him or her along the development continuum to the desired goal.

- Training
  - Training includes in-house programs, seminars, workshops and clinics. To be effective, training should be interactive and go beyond the lunchtime conversation; you need students to think about the material and practice the specific skill during the semester. Students should be asked to apply what they have learned to the work assigned.
SECTION III - TECHNIQUES FOR EFFECTIVE EXTERN SUPERVISION

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

- Confucius (551 BC – 479 BC)

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

A. Be Prepared for the Externs’ Arrival - Orient Yourself, Your Office, and the Extern

1. Before the extern arrives:
   a) Determine what desk, telephone, and computer the extern will use.
   b) Gather office keys, restroom keys, copier codes, computer passwords, and office manuals that the extern might need.
   c) 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.
   d) Determine which support staff the extern can rely upon if needed.
   e) Request an office e-mail account, if appropriate.
   f) 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!
   g) Plan ahead for the extern to shadow attorneys at upcoming hearings, meetings, or conferences.

2. First day orientation: Orientation to the Office
   a) Provide an office tour and staff introductions.
   b) Tell the extern how to contact his/her supervisors, including providing cell phone numbers if appropriate.
   c) 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.
   d) Ask the extern to post his/her work hours, e-mail address, and cell phone contact number near his/her desk.
   e) Ask the extern to provide you with any paperwork required by the school.
   f) Invite the extern to upcoming staff or client meetings or other events.
   g) 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.
3. First Day Orientation: Orientation to the Work
   a) Explain the office’s mission and structure, and discuss any broader issues that are critical to serving the mission or client population.
   b) Explain the role that externs play in furtherance of these issues.
   c) Give the extern the first assignment.
   d) 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.
   e) Denver Law requires externs to establish learning goals for the semester with measurable objectives to serve as a guide to the externship. We ask our students to meet with you within the first week of their Externship to complete their Learning Agenda, which can be found here: http://law.du.edu/documents/legal-externship-program/learning-agenda.pdf. The meeting regarding the Learning Agenda 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.

B. Teaching Law Students in the Field: Suggestions for Effective Supervision

1. Adequately Define and Explain Work Assignments
   a) Even if multiple attorneys are assigning work, a single person should be designated to act as a "clearinghouse" through which assignments are channeled. That attorney should review the proposed work before it is assigned, and ensure that externs do not have too much or too little work and that an extern is receiving a variety of assignments.
   b) Assignments should:
      (1) 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.;
      (2) provide a sufficient factual and contextual background;
      (3) clearly explain the purpose or objectives of the assignment;
      (4) provide a realistic time frame for completion (triple the amount of time you think it might take you);
      (5) suggest available office or library reference materials (“I’d start with the Rutter Guide to orient you to…; a sample motion format can be found at…”);
      (6) indicate whether you will be available for questions along the way and, if not, who the extern should consult and how (e-mail, phone, in-person, etc.).

2. Arrange Weekly Meetings to Check In With Your Externs
   a) Schedule a weekly "standing appointment" to meet individually with your extern to check in, review completed work, address any problems, and discuss future assignments.
   b) Discuss with the student what his or her responsibilities are in preparing for this meeting. For example, should he or she give you completed assignments before the meeting? If so, when?

3. Provide Timely and Constructive Feedback on All Assignments
   a) Providing Timely Feedback – Externs should receive timely feedback on every completed assignment from the assigning attorney. One supervision model suggests that supervision should be FAST:
a) Frequent – the weekly meetings work well to assure the frequency of feedback;
b) Accurate – describe actions or behaviors that can be addressed, not the person;
c) Specific – pinpoint discrete identifiable points to be replicated or improved upon;
d) Timely – if too much time passes, externs are likely to repeat their mistakes.

b) Providing Constructive Feedback – 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. Because student externs are not compensated monetarily for their work, it is useful to think of feedback as the “payment” they receive for the hours they are working. Beryl Blaustone, Professor of Law, CUNY School of Law, and Director of the Mediation Clinic at Main Street Legal Services, Inc., developed a six step model to assist field or clinical supervisors in giving students constructive feedback.²

**Step One: The Student Identifies Strengths of the Performance:** The student should identify those aspects of the work that he or she feels were done well, including an identification of what the performance accomplished.

**Step Two: The Supervisor Responds Solely to Those Items Raised by The Student:** By giving only positive feedback, the supervisor at this stage confines remarks to those items raised by the student.

**Step Three: The Supervisor Identifies Other Strengths in the Performance:** The supervisor now adds additional points that were done well. This wide open stage explores all facets of the performance that were accomplished satisfactorily or that show a potential for success, with specific illustrations of why these aspects were successfully executed.

**Step Four: The Student Identifies Difficulties and/or Changes to be Made:** The student now takes the initiative in identifying areas in need of improvement, coming forward with specific comments.

**Step Five: The Supervisor Responds to the Identified Difficulties:** Confining remarks to areas identified by the student for improvement, the supervisor comments on how the issues could be handled differently next time.

**Step Six: The Supervisor Indicates Additional Difficulties:** This final stage involves another wide open exploration of all facets of the performance. The discussion focuses on aspects that were not satisfactorily accomplished, again with specific illustrations and concrete analysis.

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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. See, A. Alexander and J. Smith, A Practical Guide to Cooperative Supervision for Law Students and Legal Employers, 29 Law Office Economics and Management 207 (1988).

C. 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 (the student can only act as a participant if he or she is certified under Colorado’s Student Practice Act)

D. 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 supervising attorneys 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.

E. What to Expect from Denver Law

The Legal Externship Program is here to support you. 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. A site visit will be arranged periodically so that you can meet with the faculty for the Legal Externship Program; the purpose of the 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.
SECTION IV – TYPICAL FIELD PLACEMENT ISSUES

According to the American Bar Association standards regulating law school field placements and Denver Law’s academic standards, there are several objectives and standards of supervision that must be met to maintain the quality and academic integrity of externship programs. Such standards are specifically addressed in the A.B.A. Standard 305 (see Appendix B). Below are several areas Denver Law has identified as typical issues that occur most frequently in field placements which impede effective and successful extern performance.

A. Lack of constructive feedback on work product - While we recognize the importance of students completing assignments independently, and learning from doing, it has been our experience that many supervisors do not spend the necessary time providing constructive criticism on work assignments. Some supervisors are overwhelmed with work, or feel uncomfortable giving “bad news,” or are frustrated with the student’s performance. However, it is imperative to the learning process to provide students with feedback on an ongoing basis. Only when a student understands the drafting or strategic errors made on a project do they receive the most value from the assignment. Please refer to Section III in which suggested methods of offering constructive feedback are discussed at length.

B. Lack of communication regarding project expectations - Often, externship students express frustration with the level of explanation offered when given a project. Students participating in the externship program typically have a certain allotted time they are able to spend at the placement each week and not having a clear understanding of what is expected of them on a specific project typically results in lost time and an inferior work product. This can be avoided when supervisors take the time at the beginning of an assignment to give a clear understanding of the circumstances leading up to the assignment and the proposed end result. It is also extremely helpful to offer starting point suggestions. Please refer to Section III of this manual which addresses Denver Law’s recommendation for the most effective way to give assignments. (Students are, of course, also responsible for taking initiative in clarifying assignments that they don’t fully understand.)

C. Lack of meaningful supervision - Below are several issues with field placement supervision which can lead to lack of meaningful supervision:

1. Too many students under the supervision of one placement supervisor
   An externship is most successful when each supervising attorney is responsible for no more than three or four students. On more than one occasion an externship supervisor has had primary responsibility for five or more students during a semester. To provide constructive feedback, meet regularly with students individually (a topic discussed below) and monitor student progress, supervisors should limit the number of students they are directly supervising. This allows more time and flexibility for the supervisor as well as gives the student a more personal and valuable learning experience.

2. Lack of regular meetings with students
   Some supervisors do not schedule weekly meetings with the students. An obvious component to providing the most meaningful supervision and feedback is actually scheduling the time to go over the progress of each student individually. Such meetings should take place at a minimum once a week and should cover both substantive work and professional development when applicable.
3. Not providing enough work

The Externship faculty sometimes receive complaints from students that they are not given a sufficient amount of work throughout the semester. Some students have to create their own work or wait idly for something substantive to do. Although we encourage students to be proactive and assertive in seeking work assignments, it is an extremely important part of supervising students to make certain that at all times they have meaningful work. We can only award academic credit and evaluate each student based on the work they actually perform.

4. Assigning non-substantive/administrative/personal tasks

Students are sometimes given administrative or even personal tasks to perform. The supervising attorney has the responsibility to maintain the academic credibility of the externship program by assigning substantive legal work. Understandably, as with most organizations, team efforts to meet deadlines or prepare for trial are often required; during such times, attorneys and other professional staff may perform tasks that are not standard for their position. However, it is difficult for us to assert the value of an externship when students report they are spending entire days photocopying documents or organizing a filing system for current cases. Time spent performing administrative tasks should be minimized and personal errands or tasks should never be assigned.

5. Hours required may be excessive in relation to externship expectations

Many supervisors assign students far more work than can actually be performed in the amount of time the student and the school has allotted for the externship. As we all remember, the demands of a law student are many. Each student will typically schedule their classes based on the time they know they will spend at an externship. It is difficult and frustrating to students when they have to put aside other school work in order to balance the demands of the externship. While students understand that life as a lawyer demands a constant struggle to balance priorities, often they will make time to work for the externship to the detriment of other course work. To this end, placement supervisors should consider law students' external demands when asking them to work hours in excess of the weekly time allotted for the placement.

6. Lack of communication with Legal Externship Program

Finally, placement supervisors often wait too long to involve the law school externship faculty when problems arise. Keeping open lines of communication is essential to successful placements. When any sort of conflict arises, whether it is related to the quality of work, work habits, or general attitude toward the supervisor and/or the work, it is imperative to contact the school immediately to identify the problem and discuss potential remedies before the conclusion of the program. As our goal is to ensure the most mutually beneficial relationship between both parties, we can typically offer assistance in resolving the issue or deal with the problem completely from our end.

In conclusion, while most of our placements are excellent and provide a wonderful practical training ground for our students, supervising attorneys can improve dramatically the overall effectiveness of the program by remembering the abovementioned pitfalls. Each supervising attorney should spend time carefully reviewing what an effective placement supervisor is and remember to use the law school externship faculty and staff as a resource whenever any problem arises. A list of Denver Law’s Legal Externship Program faculty and staff is provided in Appendix A of this manual. Please do not hesitate to discuss issues with us as they arise to prevent a potentially difficult situation from spiraling into something more serious. We are also happy to receive feedback on how to better our program, and of course we are glad to talk about what is going well!
APPENDIX A

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LEGAL EXTERNSHIP PROGRAM CONTACT LIST

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University of Denver Sturm College of Law Legal Externship Program Website:
http://www.law.du.edu/index.php/legal-externship-program
APPENDIX B

Standard 305. STUDY OUTSIDE THE CLASSROOM

(a) A law school may grant credit toward the J.D. degree for courses that involve student participation in studies or activities in a format that does not involve attendance at regularly scheduled class sessions, including courses approved as part of a field placement program, moot court, law review, and directed research.

(b) Credit granted for such a course shall be commensurate with the time and effort required and the anticipated quality of the educational experience of the student.

(c) Each student’s educational achievement shall be evaluated by a faculty member. When appropriate a school may use faculty members from other law schools to supervise or assist in the supervision or review of a field placement program.

(d) The studies or activities shall be approved in advance and periodically reviewed following the school’s established procedures for approval of the curriculum.

(e) A field placement program shall include:
   (1) a clear statement of its goals and methods, and a demonstrated relationship between those goals and methods and the program in operation;
   (2) adequate instructional resources, including faculty teaching in and supervising the program who devote the requisite time and attention to satisfy program goals and are sufficiently available to students;
   (3) a clearly articulated method of evaluating each student’s academic performance involving both a faculty member and the site supervisor;
   (4) a method for selecting, training, evaluating, and communicating with site supervisors;
   (5) for field placements that award three or more credit hours, regular contact between the faculty supervisor or law school administrator and the site supervisor to assure the quality of the student educational experience, including the appropriateness of the supervision and the student work;
   (6) a requirement that each student has successfully completed sufficient prerequisites or contemporaneously receives sufficient training to assure the quality of the student educational experience in the field placement program; and
   (7) opportunities for student reflection on their field placement experience, through a seminar, regularly scheduled tutorials, or other means of guided reflection. Where a student may earn three or more credit hours in a field placement program, the opportunity for student reflection must be provided contemporaneously.

(f) A law school that has a field placement program shall develop, publish, and communicate to students and site supervisors a statement that describes the educational objectives of the program.

**Interpretation 305-1**

Regular contact may be achieved through in-person visits or other methods of communication that will assure the quality of the student educational experience.

**Interpretation 305-2**

A law school may not grant credit to a student for participation in a field placement program for which the student receives compensation. This Interpretation does not preclude reimbursement of reasonable out-of-pocket expenses related to the field placement.

**Interpretation 305-3**

To qualify as an experiential course under Standard 303, a field placement must also comply with the requirements set out in Standard 303(a)(3).