

SUPERVISION CLE – February, 2014

1. Welcome – purpose of CLE
2. Legal Stuff –
 - a. Law School, ABA rules, Labor Standards,
 - b. Malpractice
3. In the Beginning exercise – Your first supervision experience
4. Educational Goals
 - a. Law College's goals – What we can't teach in a classroom or even a clinic
 - b. Your goals
 - c. Extern's goals
 - d. Learning Contract
 - e. Guided reflection
5. A little bit about our law students –
 - a. Millennials -- texting, facebook, and taste in music
 - b. What they know and don't know
6. A little bit about you
 - a. Supervision styles
 - b. Sharing and war stories
 - c. Being a role model
 - i. Professional values
 - ii. Professional behavior – acting like a lawyer
 - d. Evaluating students
7. Wrap up

IN THE BEGINNING

Discussion question: What was it like when you first began to work as a lawyer and when you worked with your first supervisor?

- What thoughts and feelings do you most remember when about your first experiences as a lawyer?
- What did you learn from these experiences?
- What was it like for you to be under someone else's supervision?
- What were the best qualities of your first supervisor?
- What bugged you about your first supervisor
- What self-doubts did you have, if any?
- How did you cope with these self-doubts?
- What were you most anxious and frightened of?
- To what extent was your supervisor helpful to you in addressing the goals and tasks of supervision?
- To what extent do your own past experiences in supervision help you identify with the concerns supervisees bring to supervision with you currently?

**SELF ASSESSMENT -- ROLES, RESPONSIBILITIES & SKILL SETS OF THE
COMPETENT SUPERVISOR**

(Rate yourself on a Likert Scale from 1 to 10 (1=lowest; 10=highest) or put an "A" on the line if the issue is an aspiration.)

- ___1. I feel adequately prepared to supervise a law student in my office.
- ___2. I have the education, training, and experience necessary to competently represent clients in my field.
- ___3. I possess sufficiently effective interpersonal skills and am able to supervise a law student. Examples of interpersonal skills include the ability to listen and provide constructive feedback, the ability to challenge and confront the supervisee in a helpful manner, the ability to convey professional values and behaviors and the ability to set professional interpersonal boundaries with the supervisee.
- ___4. I understand that supervision is a contextual, situational process that is dependent on interaction between the supervisor, the supervisee, the setting, and the client. I am able to modify my approach to supervision as the situation demands.
- ___5. I possess a broad knowledge of my organization's policies, procedures, and other contractual requirements; ethical codes and professional standards; and local, state and federal regulations and laws that may apply in a variety of situations that could arise in the supervision of law students.
- ___6. I am passionate about my work and about the law.
- ___7. I am passionate about mentoring a law student.
- ___8. I am able to maintain an appropriate balance between the welfare of my client and the educational goals of my supervisee.
- ___9. I am able to serve a mentoring and educative function for my supervisees and seek to appreciate their learning needs, interests, and aspirations.
- ___10. I am able and willing to fairly evaluate my supervisees and to provide timely feedback.
- ___11. I am able to articulate my goals for being a supervisor and to communicate those goals to the supervisee and the faculty supervisor.
- ___12. I am open to feedback from my supervisees and from the faculty supervisor.
- ___13. I feel sufficiently culturally competent to represent my clients and am able to communicate with my supervisees about the need to be culturally competent as an attorney.

___**14.** Competent supervisors empower supervisees. I can and will help supervisees at both problem-solving current situations and developing problem solving and ethical decision making approaches they can apply to legal decision-making after the supervision has ended

___**15.** I feel competent to perform an initial screening evaluation to determine if my supervisee is an appropriate fit for my organization and/or for the particular client.

___**16.** I am sufficiently competent concerning the values of the profession and am willing to communicate with my supervisee about the values of the profession.

___**17.** I feel comfortable sharing my reflections about the law profession with my supervisees and having them share their reflection with me.

Tool: CHECKLIST -- DISCUSSION FOCUS IN INITIAL SUPERVISION SESSIONS

(For both supervisor and supervisee to facilitate establishing a clear contract for supervision, maximizing the fit between supervisor and supervisee, and ensuring the attainment of goals established by those involved)

Inquire about the following characteristics of the supervisee/supervisor:

Educational, Training and Legal Experience:

1. Educational Background
2. Training Experience
3. Legal Experience
4. Work Experience
5. Skill Set – what do each bring to the table?
6. Sense of mission
7. Educational plans and professional goals of the supervisees
8. Educational plans and professional goals of the supervisor

Philosophy of Supervision:

1. What does it mean to be a lawyer
2. What style of lawyer are you or do you wish to be?
3. Philosophy of Supervision

Previous Experience as a Supervisor/Supervisee:

1. Previous supervision experience – time, setting, role
2. Strengths and challenges of the previous supervisor
3. Previous supervisee's level of development, knowledge and skills
4. How were differences managed?

Supervision Goals:

1. Externship requirements – learning contract, hours, tasks, guided reflection
2. Goals – personal and professional
3. Goals – re-examination after a couple of weeks
4. Process of Evaluation – manner, time frame

Styles of Supervision:

1. specific expectations both the supervisee and supervisor have of the parties involved (e.g., roles, hierarchy)
2. types of supervision that would facilitate growth of the supervisee
3. preferred supervision style (e.g., didactic, experiential, collegial)
4. supervision focus (e.g., clients, cases, professional development)
5. manner of case review (e.g., crisis management, in-depth focus)
6. modality (e.g., written report, verbal report, face to face meeting live observation)

Legal and Ethical Considerations:

1. ultimate responsibility for clients and office responsibilities
2. number of matters for which the supervisee will be responsible
3. emergency and back up procedures when supervisor unavailable
4. awareness of professional ethical codes
5. confidentiality regarding the information discussed in supervision
6. processes for addressing supervisee issues and/or resolving disagreements.

Practical Issues Related to Supervision

The supervision process is a contractual one in which the supervisor provides a service to the supervisee. Practical considerations including the following should be addressed during the initial session:

1. Supervisee's work schedule
2. Meeting and reporting schedule
3. Time span of supervision -- Semester, # of hours
4. Supervising session agendas -- Formal, informal
5. Responsibility for documenting activities
6. Confidentiality
7. Workplace setting – desk, phone, dress code, copying, expenses, etc
8. Interaction with others in the work place

TOOL: MENTORING, MONITORING AND EVALUATING PROFESSIONAL PERFORMANCE

Evaluation is an essential component of accomplishing the four defined goals of supervision.

1. In promoting development and teaching the supervisee, evaluation measures the degree to which learning is taking place.
2. In protecting the welfare of the client, evaluation ensures that the supervisee is measuring up to established standards of legal and ethical competence.
3. In serving the gatekeeping function for the profession, monitoring supervisee performance is a cornerstone in providing information about the supervisee's professional and ethical competence as well as her or his suitability for the profession.
4. In fostering empowerment of the supervisee to be able to work as an independent professional, the evaluation process serves as a model for the supervisee to learn how to self-evaluate and continue to learn and grow throughout his or her career as an attorney. (Haynes, Corey, Moulton 2003)

Problem:

Sam is an energetic, bright, and motivated extern under Alice her field supervisor. Alice has worked with lots of externs. Alice observes that Sam has little experience or working with clients and little knowledge of the real world. Sam is most at home and really terrific at doing concrete tasks such as research and written memos. But Sam is just not very good at working with people.

Alice does not want to hurt Sam's feelings or injure Sam's self-esteem. At the same time, Sam just isn't ready to work with people.

What advice would you give to Alice?

Stella has been your supervisee for the past four months. Stella is bright and motivated and does great work. Unfortunately, Stella is remarkably insensitive to other people's feelings at your office. The office staff cannot stand her. They say she is rude and abrasive and turns everyone off. They want her out. You have spoken to Stella about her behaviors but it did not seem to stick in.

What are your alternatives now?

A FOUR-STEP PROCESS:

1. Establish Goals and Objectives for Supervision at the beginning and ongoing.
2. Provide continual feedback during the supervisory process.
3. Provide more formal feedback at set intervals.
4. The final evaluation formalizes the supervisee's performance for a specific period of time and in specified areas.

SOME EVALUATION THOUGHTS:

- Supervisors should provide a fair, objective, and accurate evaluation of supervisee.
- Supervisees are entitled to receive a fair evaluation.
- Avoiding facing uncomfortable evaluation issues could have legal implications as it relates to employment or the Bar.
- Evaluation is an ongoing process. Not an event. Performance appraisal is an event.
- Evaluation provides opportunities for remediation, specific criteria for successful completion, methods of assessment, and a time frame for improvement or completion.
- How evaluation and feedback is managed is core to a positive supervisory relationship.

*just, equitable, impartial, unprejudiced, unbiased, dispassionate, discerning (Haarman, 2009)

SOME SUGGESTED GUIDELINES:

- Examine your own experiences of evaluation and identify blocks to a constructive experience
- Know expectations -- what are the criteria
- Utilize multiple formats, methods, and techniques
- Supervisee is informed about who will be involved in the evaluation and who will receive information from the evaluation
- Supervisee receives periodic and ongoing informal feedback about progress to achieve criteria
- Supervisee is provided with opportunities to fail, opportunities to be successful, and constructive feedback and suggestions toward meeting criteria (a developmental perspective)
- Describe in behavioral terms what supervisee is being evaluated on. Focus on demonstrated abilities and behaviors, not personality
- Be realistic and use mistakes as learning opportunities
- Include information from other sources
- Focus on mastery, obstacles, options, improvements, and growth

SOME EVALUATION CRITERIA

SKILL SETS IN RELATION TO OVERSIGHT AND GUIDANCE

Professional Responsibility

- Conducts self in an ethical manner so as to promote confidence in the legal profession
- Relates to supervisors, peers, clients and others in a manner consistent with professional standards
- Demonstrates sensitivity to real and ascribed differences in power between themselves and others, and does not exploit or mislead other people during or after professional relationships
- Is aware of and appreciates the values of the profession.

Competence

- Recognizes the limitations of her or his expertise.
- Takes responsibility for compensating for her or his deficiencies
- Takes responsibility for assuring client welfare when encountering the boundaries of her or his expertise
- Provides only those services and applies only those techniques for which she or he is qualified by education, training, and experience

Maturity

- Demonstrates appropriate self-control (such as anger control, impulse control) in interpersonal relationships with faculty, peers, and clients
- Demonstrates honesty, fairness, and respect for others
- Demonstrates an awareness of his or her own belief systems, values, needs, and limitations and the effect of these on his or her work
- Demonstrates the ability to receive, integrate, and utilize feedback from peers, teachers, and supervisors
- Exhibits appropriate levels of self-assurance, confidence, and trust in own ability
- Follows professionally recognized conflict-resolution processes, seeking to informally address the issue first with the individual(s) with whom the conflict exists

Integrity

- Refrains from making statements that are false, misleading, or deceptive
- Avoids improper and potentially harmful dual relationships
- Respects the fundamental rights, dignity, and worth of all people
- Respects the rights of individuals to privacy, confidentiality, and choices regarding self-determination and autonomy
- Respects cultural, individual, and role differences, including those do to age, gender, race, ethnicity, national origin, religion, sexual orientation, disability, language, and socioeconomic status

From Bernard, Janine M., Rodney K. Goodyear, Fundamentals of Clinical Supervision, Third Edition, Pearson A and B, Boston, 2004. (p. 41).