



UNIVERSITY *of*
DENVER

STURM COLLEGE OF LAW

Legal Externship Program

MANUAL FOR SUPERVISORS

University of Denver Sturm College of Law

MANUAL FOR SUPERVISORS

Thank you for serving as a Supervisor for a student extern through the Legal Externship Program at the University of Denver Sturm College of Law (Denver Law). With more than 500 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, government agencies, judges, legislative offices, nonprofit organizations, and private firms. By working under the direction of a Supervisor and having legal responsibilities, such as drafting briefs, performing legal research, drafting legal memoranda or legislation, appearing in court, and interviewing clients and witnesses, among many other tasks, externs gain the practical skills and professional values needed to become effective attorneys.

The success of the Legal Externship Program depends in great part on the strength of our Supervisors. We are grateful for the time and effort you devote to supervising and mentoring the externs at your placement. The relationship between the student and the 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!

TABLE OF CONTENTS

Section I: Experiential Learning	Page 4
Section II: Developing Student Externs	Page 5
Section III: Techniques for Effective Extern Supervision	Page 7
Section IV: Typical Field Placement Issues	Page 11

Appendices:

A. Denver Law Legal Externship Program Contact Information	Page 15
B. Supervisor Certifications	Page 16
C. ABA Standards 304, 303, and 302	Page 18
D. Denver Law EEO Policy	Page 20
E. Commitment to Equity, Inclusion, and Belonging	Page 20
F. Sample Welcome Letter Template	Page 21
G. Tips for Supervising Remote Externs	Page 24

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 1970s. 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 as externs for practicing attorneys through our Legal Externship Program.¹ A legal externship is a monitored work experience outside of the law school where the student establishes intentional learning goals and reflects actively on what is learned throughout their experience. In accordance with ABA standards, the placement must provide a substantial lawyering experience that is reasonably similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks. Whether supervised by a lawyer or non-lawyer,² externships provide a practical complement to classroom instruction by placing students in legal and law-related 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 professional skills include interviewing, counseling, negotiation, fact development and analysis, trial practice, document drafting, conflict resolution, organization and management of legal work, collaboration, cultural competency, and self-evaluation – 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 Supervisor, and indeed all legal and non-legal 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 law school’s teaching faculty. Law school administrators and professors partner with Supervisors 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.

¹ Other experiential learning opportunities offered at Denver Law include in-house clinics in our [Student Law Office](#), fifty-hour legal service projects through a [Volunteer Legal Experience](#), and courses such as Wills Lab or the Graduate Tax Program’s Low-Income Taxpayer Clinic. Students may earn up to 25 out-of-class credits during law school, of which 15 may be externship.

² The ABA does not require the supervisor to be a lawyer. As of summer 2017, Denver Law now permits non-lawyers to supervise students in limited circumstances provided the experience is still aligned with ABA and Denver Law standards.

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, legislative/policy work, 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, among other subjects.
3. *An externship gives students the chance to learn the mission* of a particular government agency, court, nonprofit, or private firm and 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.

These four important areas which guide our program are aligned with ABA standards surrounding field placement courses. Such standards indicate that experiential courses, including externships, must be 1) primarily experiential in nature and must integrate doctrine, theory, skills, and legal ethics; 2) help students develop the concepts underlying the professional skills being taught; 3) provide multiple opportunities for performance; feedback; and self-evaluation; and 4) engage students in one or more of the following professional skills: interviewing, counseling, negotiation, fact development and analysis, trial practice, document drafting, conflict resolution, organization and management of legal work, collaboration, cultural competency, and self-evaluation.

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 that will allow them to learn efficiently from their experiences. To help externs reflect on their new experiences, Denver Law, in accordance with ABA rules, requires externs to engage in ongoing, contemporaneous reflection guided by faculty. All students enrolled in externships through the Legal Externship Program at Denver Law also set learning goals at the onset of the externship. 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 Supervisor, 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, all of which are reflected in some way in ABA Standards 302, 303, and 304 (all included in Appendix B), as components of experiential courses:

The first five competencies relate to the legal skills essential to the substantive practice of law.

1. Knowledge of the Law (researching and finding the law, knowing general substantive and procedural law, developing subject-matter expertise).
2. Marshaling Information (fact finding, questioning and interviewing, collecting and reviewing documents, e-discovery, organizing and categorizing information).
3. Analysis (critical review, reasoning, problem solving, understanding what facts mean, understanding what the law means, and applying the law to the facts).
4. Legal Expression (persuasive or objective oral and written communication of analyses, 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.

6. Professionalism (maintaining integrity and honesty, diligence, civility, ethics, diversity, and 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:

1. 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.
2. 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, contemporaneous 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 ripe for improvement. Denver Law's program asserts that Supervisors and team members at the placement, as appropriate, are expected to provide the direct day-to-day oversight of the extern's work. Supervisors are also responsible for completing written mid-semester evaluations (except during summer) and written final evaluations of all externs, both of which should be discussed with externs and are made available to them, but we expect all Supervisors to engage in ongoing, contemporaneous feedback.

3. Mentoring and Coaching

- Coaching or mentoring (formal or informal one-on-one intensive relationships, whether long- or short-term) is essential but needs 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 the student along the development continuum to the desired goal.

4. 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. Here are some quick suggestions that may be useful as you prepare for and work with your externs. The appendix includes a section on supervising students remotely. While many of the effective practices are the same whether a student is working in person or remotely, we recognize that remote work is unique. Please see our tips on page 24. We have also included a sample welcome letter to the extern in the appendix to use as a template to adapt as you see fit for your initial engagement with your extern.

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 (their own, the office's) the extern will use.
- b) Gather security information if required, 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 appropriate and 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 and templates can be a great way to get going!
- g) Plan ahead for the extern to shadow attorneys at upcoming hearings, meetings, or conferences.
- h) Consider providing a long-term assignment to the extern so that they always have work to do if you are out of the office, are unable to provide feedback on something, and so on.

2. First Day Orientation to the Office

- a) Provide an office tour and staff introductions.
- b) Tell the extern how to contact 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, research databases, logging time, etc.
 - As an fyi, unpaid externs can use any and all research databases with their law school accounts. Paid externs can use their Bloomberg Law accounts. Paid externs cannot use their Westlaw accounts. In fall/spring, paid externs cannot use their Lexis accounts but they can use Lexis accounts in a paid externship in the summer as Lexis has a special summer access program. Paid externs will have to gain access to these programs from their supervisors/offices. Please note: exceptions may apply; feel free to check in with us for updated policies.
- d) Ask the extern to post work hours, e-mail address, and cell phone contact number near the work space/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 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. Please communicate with the extern about their learning goals, set expectations for the externship, outline the substantial lawyering experience the extern will receive, and identify opportunities for performance.

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

1. Adequately Define and Explain Work Assignments

- a) Even if multiple team members are assigning work, designating a single person to act as a "clearinghouse" through which assignments are channeled can be helpful. That person can review the proposed work before it is assigned, and ensure that externs do not have too much or too little work, and that they are 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 bullet

- point list, 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 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
- a) Schedule a weekly "standing appointment" to meet individually with externs to check in, review completed work, address any problems, and discuss future assignments.
 - b) Discuss with the extern respective responsibilities in preparing for this meeting. For example, should the extern give completed assignments before the meeting? If so, when?
 - c) If this meeting has to be cancelled for some reason, ensure the extern knows who to talk with or who is in charge if you're not available.
3. Remote Work
- a) To promote an optimal learning environment, all field placements should include a regular in-person component that facilitates ongoing dialogue and feedback about assignments. Most commonly, this means students will work regularly in an office alongside their Supervisors. As we understand that remote work arrangements are becoming more prevalent in the legal market, we can approve some limited exceptions when Supervisors plan alternate arrangements to meaningfully connect with students. Such arrangements may include regular in-person meetings, shadowing opportunities, videoconferencing, travel, etc.
4. Provide Timely and Constructive Feedback on All Assignments
- a) Timely Feedback – Externs should receive timely feedback on *every completed assignment* from the assigning team member. We discuss feedback models in Appendix G along with remote supervision. One supervision model suggests that supervision should be FAST:
 - 1) **Frequent** – the weekly meetings work well to assure the frequency of feedback;
 - 2) **Accurate** – describe actions or behaviors that can be addressed, not the person;
 - 3) **Specific** – pinpoint discrete identifiable points to be replicated or improved upon;
 - 4) **Timely** – if too much time passes, externs are likely to repeat their mistakes.
 - b) 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 often 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.³

Step One: The Student Identifies Strengths of the Performance: The student should identify those aspects of the work that the student 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.

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.⁴

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 the extern 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 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

³ Beryl Blaustone, *Teaching Law Students to Self-Critique and to Develop Critical Clinical Self-Awareness in Performance*, 13 Clin.L.Rev. 601 (2006).

⁴ 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).

- Witness interviewing and preparation
- Fact investigation
- Case strategy discussions
- Community education meetings
- Depositions
- CLE events
- Meetings with co-counsel
- Legislative hearings/testimonies
- Negotiations with opposing counsel
- In-chambers discussions or staff meetings
- Coalition meetings
- Funder meetings
- Hearings and/or trials (the student can only act as an active participant if certified under Colorado's Student Practice Rule unless a federal practice act applies)

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 Supervisors and externs, and these dynamics can be heightened by other identifiers (race, gender, etc.) and personal experiences. 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. If it would be helpful, 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 to assist you with any other concerns you might have about an extern or the program. The ABA requires communication with supervisors and thus, a site visit or virtual meeting may be arranged periodically so that you can meet with the faculty from the Legal Externship Program. The purpose of this contact is to maintain open communication between the placement and the school and to model collaboration for the externs. We will also reach out at the onset of a semester and at the end of a semester, and review all evaluations completed by Supervisors as well as those completed by externs.

Externship faculty members will also review and evaluate the extern's learning goals, self-evaluations, reflective-exercises, and other required assignments. We keep in touch with the extern throughout the semester as things arise. Ultimately, externship faculty award a grade of Pass or No Pass to students, as appropriate, for their fieldwork component of the externship. Such grades are determined by both satisfactory performance in the field (determined via your evaluations) and by completion of Denver Law's required assignments and engagement.

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 ABA 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 ABA Standard 303 (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 the concept of 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 externs 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 less likely to occur if 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 do not fully understand. We intentionally discuss this with them.)

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 Supervisor 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. As discussed prior, providing long-term assignments can help fill a gap in work.

4. *Assigning non-substantive/administrative/personal tasks*

Students are sometimes given administrative or even personal tasks to perform. The Supervisor has the responsibility to maintain the academic credibility of the externship program by providing a substantial lawyering experience and assigning substantive legal and law-related work (and ensuring team members do the same). Understandably, as with most organizations, team efforts to meet deadlines, file legislation, 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. Specifically, they should comprise no more than 10% of an extern's workload, and personal errands or tasks should never be assigned.

As of August 2016, ABA standards permit students to receive compensation for work performed as part of for-credit field placement courses, including externships. If a placement decides to offer pay for work performed as part of an externship for credit, the Supervisor must still provide a substantial lawyering experience regardless of whether the student is being paid or not, or if the placement wants the student to "bill." The Supervisor must abide by the requirements set forth in the Supervisor application, certifications, this Supervisor Manual, the Semester-Specific Acceptance form, any other documentation provided by Denver Law, and the requirements imposed by the ABA on for-credit field placements⁵. In addition, our office may check in periodically with all paid externships.

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.

⁵ Placements should review Colorado employment laws and unemployment insurance policies to best understand and evaluate the relationship between extern status and employment status, particularly as it relates to paid externships.

6. *Lack of communication with the Legal Externship Program*

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 or significant question 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. We want to ensure the most mutually beneficial relationship between both parties, and 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 wonderful practical training ground for our students, Supervisors can improve dramatically the overall effectiveness of the program by remembering the abovementioned pitfalls. We recommend that each Supervisor spend time carefully reviewing and assessing what an effective placement Supervisor is within their office and remember to use the law school externship faculty and staff as a resource whenever any problem arises. We know how much time you put in, and we want to ensure the experience is a value add for everyone. 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!

We thank you for your service to our students, school, and the profession!

APPENDIX A

UNIVERSITY OF DENVER STURM COLLEGE OF LAW LEGAL EXTERNSHIP PROGRAM CONTACT LIST

Alexi Freeman
Director of Externships & Social Justice Initiatives
Professor of the Practice of Law
Room 365M
Phone: 303-871-6788
afreeman@law.du.edu

Colleen Scarola
Visiting Assistant Professor of the Practice
Room 365K
Phone: 303-871-6230
cscarola@law.du.edu

Crystal Hendry
Coordinator, Legal Externship Program
Room 359
Phone: 303-871-6486
chendry@law.du.edu

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

APPENDIX B

SUPERVISOR CERTIFICATIONS (MUST BE ATTESTED TO IN CORE)

BY COMPLETING THIS FORM, I UNDERSTAND AND AGREE TO THE FOLLOWING PROVISIONS:

1. If I am an attorney, I am licensed to practice law for at least five years and am in good standing in the state(s) in which I am licensed.
2. If I am not an attorney, I have five years of experience in the field in which I am working.
3. Under C.R.S. 12-5-116, the *Student Practice Act*, only third-year externs may be certified to enter appearances in court and they may do so only to the extent authorized under the statute for qualifying organizations. I understand that as Supervising Attorney I am responsible for the student's actions.
4. I understand that Attorney Regulation Counsel has notified the Legal Externship Program that students are to be designated as "law student externs or interns" and that any designations using the word "attorney" are forbidden in all contexts because they risk suggesting a general authorization to practice law.
5. If my extern(s) is receiving both credit and pay for work, as now permitted by the ABA, I must still abide by the requirements set forth in these certifications, the semester-specific acceptance form, the Supervisor Manual, any other documentation provided by Denver Law, and the requirements imposed by the ABA on all for-credit field placements.
6. In accordance with ABA requirements, I will provide my extern(s) with a substantial lawyering experience that is reasonably similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks.
7. I understand that during the course of any externship the extern must be the primary beneficiary of the relationship between the extern and my organization.
8. It is required that I provide the day-to-day oversight of the extern's work, offer ongoing feedback on performance, and meet at least weekly with the extern to provide feedback, instruction, and guidance on the work.
9. Because not all externs have had a professional responsibility class, I need to instruct the extern about confidentiality procedures and practices of this office, and instruct the extern on any other rules of professional responsibility that are particularly important in this setting.
10. I will review my mid-semester and final evaluation with the extern and submit these evaluations to the Legal Externship Office by the given deadline. These evaluations will be available for the extern to review electronically if they so choose.
11. My extern(s) must submit time sheets, and engage in oral and written reflection, but externs will be instructed to do so in a manner that does not reveal any confidential or identifying information.
12. The Legal Externship Office may call me to arrange an on-site visit to discuss the Legal Externship Program and the progress of my extern in accordance with the ABA's accreditation standards for law schools and will communicate with me in order to ensure the quality of the student educational experience.
13. I am encouraged to contact the Legal Externship Office if I have concerns or questions about the program or about my extern.
14. I will evaluate and resolve potential professional conflicts of interest with my extern.
15. I agree to abide by Legal Externship Program's Equal Opportunity Supervisor policy which states it is the policy and practice of the University to provide equal opportunity in employment, educational activities, and other programs to all employees, students, and applicants. No person shall be discriminated against in any condition of employment or opportunity because of race, color, national origin, ancestry, age (40 and over), religion, creed, disability, sex, sexual orientation, gender identity, gender expression, marital status, pregnancy, military enlistment, veteran status, and genetic information. In addition, the College of Law prohibits all forms of sexual misconduct, which includes sexual harassment, non-consensual sexual intercourse, non-consensual sexual contact, sexual exploitation, domestic and dating violence and stalking. It is expected that externship supervisors and their placement's employees and staff will conform to this policy and take positive steps to assure that all externships will be business-like and free of bias, prejudice,

and harassment. The College of Law will extend its facilities and placement services to those supervisors whose practices are consistent with this policy.

16. I understand that Denver Law's Externship Program encourages offices to engage in proactive measures needed to ensure access, opportunity, and inclusive and equitable work spaces exist for all students, including those from historically marginalized groups.
17. I maintain malpractice insurance coverage or I am immune from liability as a government agency. Limited exceptions may apply to this requirement.
18. I agree that the extern's responsibilities for administrative tasks shall not exceed 10%.

APPENDIX C

Standard 304. Simulation Courses, Law Clinics, and Field Placements

American Bar Association
Section of Legal Education and Admissions to the Bar
Revised Standards
for Approval of Law Schools
August
2016

(a) A simulation course provides substantial experience not involving an actual client that (1) is reasonably similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks in a set of facts and circumstances devised or adopted by a faculty member, and (2) includes the following:

- (i) direct supervision of the student's performance by the faculty member;
- (ii) opportunities for performance, feedback from a faculty member, and self-evaluation; and
- (iii) a classroom instructional component.

(b) A law clinic provides substantial lawyering experience that (1) involves advising or representing one or more actual clients or serving as a third-party neutral, and (2) includes the following:

- (i) direct supervision of the student's performance by a faculty member;
- (ii) opportunities for performance, feedback from a faculty member, and self-evaluation; and
- (iii) a classroom instructional component.

(c) A field placement course provides substantial lawyering experience that (1) is reasonably similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks in a setting outside a law clinic under the supervision of a licensed attorney or an individual otherwise qualified to supervise, and (2) includes the following:

- (i) direct supervision of the student's performance by a faculty member or site supervisor;
- (ii) opportunities for performance, feedback from either a faculty member or a site supervisor, and self-evaluation;
- (iii) a written understanding among the student, faculty member, and a person in authority at the field placement that describes both (A) the substantial lawyering experience and opportunities for performance, feedback and self-evaluation; and (B) the respective roles of faculty and any site supervisor in supervising the student and in assuring the educational quality of the experience for the student, including a clearly articulated method of evaluating the student's academic performance;
- (iv) a method for selecting, training, evaluating and communicating with site supervisors, including regular contact between the faculty and site supervisors through in-person visits or other methods of communication that will assure the quality of the student educational experience. 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;
- (v) a classroom instructional component, regularly scheduled tutorials, or other means of ongoing, contemporaneous, faculty-guided reflection;
- (vi) evaluation of each student's educational achievement by a faculty member; and
- (vii) sufficient control of the student experience to ensure that the requirements of the Standard are met. The law school must maintain records to document the steps taken to ensure compliance with the Standard, which shall include, but is not necessarily limited to, the written understandings described in Standard 304(c)(iii).

(d) Credit granted for such a simulation, law clinic, or field placement course shall be commensurate with the time and effort required and the anticipated quality of the educational experience of the student.

(e) Each student in such a simulation, law clinic, or field placement course shall have successfully completed sufficient prerequisites or shall receive sufficient contemporaneous training to assure the quality of the student educational experience.

Interpretation 304-1

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

Standard 302. Learning Outcomes

A law school shall establish learning outcomes that shall, at a minimum, include competency in the following:

- (a) Knowledge and understanding of substantive and procedural law;
- (b) Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context;
- (c) Exercise of proper professional and ethical responsibilities to clients and the legal system; and
- (d) Other professional skills needed for competent and ethical participation as a member of the legal profession.

Interpretation 302-1

For the purposes of Standard 302(d), other professional skills are determined by the law school and may include skills such as, interviewing, counseling, negotiation, fact development and analysis, trial practice, document drafting, conflict resolution, organization and management of legal work, collaboration, cultural competency, and self-evaluation.

Standard 303. Curriculum

(a) A law school shall offer a curriculum that requires each student to satisfactorily complete at least the following:

- (1) one course of at least two credit hours in professional responsibility that includes substantial instruction in the history, goals, structure, values, and responsibilities of the legal profession and its members;
- (2) one writing experience in the first year and at least one additional writing experience after the first year, both of which are faculty supervised; and
- (3) one or more experiential course(s) totaling at least six credit hours. An experiential course must be a simulation course, a law clinic, or a field placement. To satisfy this requirement, a course must be primarily experiential in nature and must:
 - (i) integrate doctrine, theory, skills, and legal ethics, and engage students in performance of one or more of the professional skills identified in Standard 302;
 - (ii) develop the concepts underlying the professional skills being taught;
 - (iii) provide multiple opportunities for performance; and
 - (iv) provide opportunities for self-evaluation.

(b) A law school shall provide substantial opportunities to students for:

- (1) law clinics or field placement(s); and (2) student participation in pro bono legal services, including law-related public service activities.

APPENDIX D

University of Denver Sturm College of Law

Supervisor's Statement of Equal Employment Opportunity

It is the policy and practice of the University to provide equal opportunity in employment, educational activities, and other programs to all employees, students, and applicants. No person shall be discriminated against in any condition of employment or opportunity because of race, color, national origin, ancestry, age (40 and over), religion, creed, disability, sex, sexual orientation, gender identity, gender expression, marital status, pregnancy, military enlistment, veteran status, and genetic information. In addition, the College of Law prohibits all forms of sexual misconduct, which includes sexual harassment, non-consensual sexual intercourse, non-consensual sexual contact, sexual exploitation, domestic and dating violence and stalking. It is expected that externship supervisors and their placement's employees and staff will conform to this policy and take positive steps to assure that all externships will be business-like and free of bias, prejudice, and harassment. The College of Law will extend its facilities and placement services to those supervisors whose practices are consistent with this policy.

APPENDIX E

Commitment to Equity, Inclusion, & Belonging

Denver Law's externship program believes that the legal profession struggles with a lack of diversity and that there are structural and systemic impediments to the participation and inclusion of diverse professionals in the workplace. We also believe that implicit bias, microaggressions, and other inequities permeate our society and our profession. We encourage externship placements to engage in proactive measures to ensure that access, opportunity, and inclusive and equitable work spaces exist for all students, including those from historically marginalized groups.

APPENDIX F

University of Denver Sturm College of Law

Sample Welcome Letter Template

This document serves as a sample “welcome letter” for externship supervisors to provide to externs. It is meant to be a template and we would expect you to edit and adapt as needed for your placement. It includes many issues/questions that arise for externs early on during the semester. We know that sharing information early and setting up expectations in writing can be helpful for creating a productive, enriching, and organized semester for you and the extern.

AGENCY/COMPANY/FIRM/ORGANIZATION LETTERHEAD

We are pleased to have you on board as a legal extern this semester. This letter/memo lays out some of the important aspects of working with our office.

Position Title:

- How should the student identify? Law Clerk? Extern? Intern? Student?

Schedule/Credit/Pay:

- We suggest reminding students about their credit/pay commitments, schedule, and overall work expectations. Topics should include:
 - Start/End Dates:
 - Schedule/Work Days:
 - Number of Hours Worked per Week:
 - Remote Work:
 - Indicate whether this is allowed, and if so, relevant parameters (e.g. when, how often).
 - To promote an optimal learning environment, all field placements should include a regular in-person component that facilitates ongoing dialogue and feedback about assignments. Most commonly, this means students will work regularly in an office alongside their Supervisors. As we understand that remote work arrangements are becoming more prevalent in the legal market, we do make some exceptions when Supervisors plan alternate arrangements to meaningfully connect with students. Such arrangements may include regular in-person meetings, shadowing opportunities, videoconferencing, travel, etc.
 - Relevant Holidays, if applicable:
 - Pay and Credit:
 - For most students, it is useful to remind them that as they will be receiving academic credit for the position, they will not be paid.
 - If you are paying the student, include details here on how much and how and when they will receive payment (and whether they need to do anything to set up payment).
 - You should remind students that they do not receive employee benefits as part of their externship.

Logging Time:

- Students are required to log time with our office to receive credit but be sure to notify them of your requirements as well.

Supervision:

- We suggest you inform the student who they will report to, how to communicate (email, phone) and who to contact in case the supervisor isn't available. You may also want to provide information on who/how to contact in an emergency (e.g. is a text message or cell phone call ever appropriate?)

Orientation/Training:

- Does your placement provide an orientation or other training at the outset of the externship? We recognize that some placements will not do this for a one semester extern, however, if your placement does and requires externs to attend, we recommend including information about it here.

Suggested Attire:

- Students are always wondering about attire. Share your office's dress policy and consider whether different types of events, different days of the week, different seasons, etc. warrant different attire.
- We strongly advise being conscientious of different identities and cultural and gender norms when creating your dress policy. Contact us if you have questions.

Technology:

- Consider the extern's email access (will they have a work email or should they use a school or personal email); whether they have access to printers/faxes/scanners; and whether they will need access to any special technologies or database.
- Unpaid externs can use any and all research databases with their accounts.
- Paid externs can use their Bloomberg Law accounts. Paid externs cannot use their Westlaw accounts. In fall/spring, paid externs cannot use their Lexis accounts but they can use Lexis accounts in a paid externship in the summer as Lexis has a special summer access program. Paid externs will have to gain access to these programs from their supervisors/offices.

Teleworking:

- Discuss any relevant protocols, policies, and practices needed for effective remote work.

Security:

- Does the extern require a badge, special elevator access, etc.? We recognize some placements do not want to or are unauthorized to invest in these sort of things for a one semester extern, but consider at least notifying the student of how they will get to/from. Note any additions that should be made for teleworking as well.

Relevant Extern/Employee Handbooks:

- While externs generally are not the employees of a placement, consider whether you should share at least some information that is included in your employee handbook or something similar.

Reviewing Relevant Ethics Rules:

- We recommend including something related to the Colorado Rules of Professional Conduct and/or the rules of any jurisdiction in which your office practices.
- It is also impossible to overstate the importance of confidentiality and the attorney-client privilege, and thus we recommend specifically addressing confidentiality. You could include language like:
 - "It is impossible to overstate the importance of confidentiality and the attorney-client privilege. This bedrock principle between attorney and client creates the trust and confidence required for proper representation. In the course of your work you will undoubtedly have access to confidential and proprietary information. It is one of your most

serious responsibilities that you in no way reveal any such information and that you use it only in the performance of your duties.

- Externs agree that, upon conclusion of the externship, they will immediately return all of property, equipment, and documents, including electronically stored information, to the office, unless we agree otherwise.”

Acknowledgement of Receipt:

- Some placements may want externs to acknowledge receipt of this type of memo/letter. You could include a section for signature/date as a way to confirm that the extern has read it and understands it. This may not be necessary depending on your preferences and the culture of your office, but it is something to consider.

Tips for Engaging with Remote Externs

Due to COVID-19 and a changing legal landscape, we know that some Denver Law externs are working remotely, at least part of the time, which means many supervisors are also teleworking and still responsible for overseeing extern engagement. While it is becoming more common for lawyers to telework, it remains uncommon for newer lawyers (let alone student learners) to have this option. This will be great practice for externs' future careers, but for many externs and perhaps some supervisors, this is a major adjustment. To help externs be as successful as possible and to help support you as their supervisor during this challenging time, we share the following tips and best practices for working with remote externs.

Please note: even with unique working arrangements, students will still be required to log hours, set learning goals, complete reflective work, and meet with externship faculty. We will also continue to ask you as the supervisor to confirm your extern's learning goals and complete an online evaluation about their work at the end of the semester.

Acknowledge the Challenging Situation We Are All Facing as Individuals, as Workers, and as a Profession

- Externs often think supervisors are invincible. While they know, technically, this situation is new for everyone, they tend to think experienced lawyers have it together. Acknowledging and admitting that this is an unprecedented situation that causes challenges and stress, and requires creativity and flexibility, will go a long way towards setting the extern at ease and building a more trusted, authentic relationship.
- When possible, engage externs in thoughtful dialogue about the pandemic's effect on the work, your office and practice area more generally, and our profession.

Set Up Regular Check-Ins

- As you know, we always recommend that supervisors have weekly meetings with externs to help answer questions, ensure externs are on track, deliver feedback and give new assignments, and to connect more generally. This practice has never been more important.
- We recommend that you at the onset of the externship, you organize a set day/time each week to meet with your extern(s) via a video chat ideally or at least via phone for 30 minutes or more. To help make these meetings most efficient for you, consider setting an agenda or asking the extern to do so. That way, the meeting is as focused as possible and everyone can prepare in advance.

Help the Extern(s) Set Up a Work Schedule

- With remote work, it is harder to know when people are working and what else they may have going on. We strongly recommend you discuss a set schedule with your extern in advance. This could be centered on the total number of hours the extern will work per week, the number of days the extern will work per week, and/or which days (and which hours) the extern will work per week. While some flexibility is needed during these challenging times, externs tend to work better, even when situated in an office, when they have a clearly defined schedule. This will also ensure they are available for meetings and calls as they arise and can help you with scheduling these in advance, per the comment below on meeting engagement.

Check In On Any Additional Responsibilities and Real Life Constraints the Extern May Have

- While they will be working remotely, of course externs are expected to adhere to their schedule and work responsibilities. With that said, given this ever-changing situation, ask about what other responsibilities externs may have during this crisis – parental responsibilities, caring for an older aged parent, and the like. Offer some flexibility to show support and display empathy, even if you also are experiencing challenges.

Understanding their situation and recognizing additional challenges that they face can help you get to know them better and to adapt expectations if appropriate and needed.

Don't Forget to Include the Extern in Virtual Meetings/Calls As Much As Feasibly Possible

- Remote work generally eliminates your ability to pop by an extern's office area and invite them to a meeting at the last minute. When you can, plan ahead and notify the extern of such meetings so they can be available or shift something around if needed. Externs will really miss the camaraderie of an office and the ability to "tag along" with supervisors. To the best of your ability, try to virtually include them in anything and everything appropriate.

Help the Extern Prioritize by Setting Deadlines and Supporting their Daily/Weekly Goals

- We have advised students to think about what they tangibly hope to accomplish on specific days and during an entire work week while in a remote placement. You can help them do this effectively by offering prioritization among projects and by setting up clear deadlines. Sometimes supervisors don't want to have firm deadlines to avoid pressuring the extern. With remote work, deadlines (even if there is some flexibility) are critical to help keep externs focused, on task, and motivated. If externs are juggling multiple assignments from multiple supervisors, this is even more important.
- You could consider asking externs whether it is worth sharing their daily or weekly goals with you in advance so you know they are on track and so that you can help them prioritize if needed.

Ensure Externs Have Access to Appropriate Files and Relevant Contact Information

- If externs need access to a shared drive or email account, try to set this up in advance so that they are ready to work. If they have issues with any of these technologies, be sure to let them know who to contact (whether you or another professional at the office).
- Relatedly, if you will be unavailable, who is the extern supposed to engage with if something arises? Be sure externs have names/contacts of individuals they may need to work with regularly or reach out to on occasion.

Establish a Plan for Saving Documents, etc.

- Develop a system for how you would like the extern to save and share their work. Are there certain naming formats? Should they email or upload their work product?

Help Externs Understand Ethical Rules, Especially Confidentiality

- We always discuss relevant ethical rules, including confidentiality, but ensure externs understand any specific rules you may have.
- We have informed externs to be mindful of who is nearby when they are on calls, documents left open on a computer, documents left on a kitchen table, and the like, but reiterating these lessons is always helpful.
- You can also consider assigning work that does not include confidential information.

Continue to Share Feedback in Multiple Different Ways

- Whether it is offering tangible feedback on written product or giving feedback on conduct during a meeting, externs really want to learn and want to hear your thoughts. The set meeting is a great time to discuss how the extern is doing. But in addition, acknowledging work product when it is received, sharing the final documents that are filed/submitted, and, when possible, inputting track changes/comments into their documents, can really help them learn and create an improved work product next time.
- Reviewing constructive feedback over email without any context can be difficult. We suggest when possible that you share constructive feedback via a video or phone conference. Of course, a track changed document is useful but again, consider whether a short chat discussing the document would be helpful for understanding and for digesting the feedback, especially given the different type of relationship remote externs and supervisors may have.

- Relatedly, celebrate success – whether for great work product or simply for completing a very intense project – this will help motivate externs and let them know what to keep doing!
- In appendix I and II, we include some of our suggested strategies for delivering constructive feedback. We are happy to discuss these in more detail with you at any point.

Consider Zoom-Based Networking and Mentoring Events and Virtual Trainings

- Externs really cherish the professional development, networking, and career guidance they receive from supervisors and team members. If possible, consider hosting a small handful of zoom sessions over the lunch hour that discuss jobs in your field, useful connections and associations, and offer other networking and mentoring advice to externs.
- Externs will be able to review training materials on their own, but if you would normally host in-person training sessions, consider whether you can adapt such trainings to video or phone to allow for real time engagement and feedback.

Connect Whenever You Can

- It is so hard to develop new relationships virtually. We know you are under a lot of stress and that this entire remote format is new for many of us. Externs will appreciate any outreach, check-ins, and any other ways you can show that you care, that you want to get to know them, and that you are happy they are contributing.

Constructive Feedback Framework

FAST

- **F**requent
- **A**ccurate
- **S**pecific
- **T**imely

BAM

- **B**ump it
- **A**lways focus on the good first, room for improvement second
- **M**ake them better

SKM

- What you should **S**top doing
- What you should **K**eeP doing
- What you should do **M**ore of

AID Strategy

- **A**ctions: specific observations
- **I**mpact: result of the actions
- **D**o: mutually agree on alternative approaches for the future

Feedback Outline Worksheet

1. Write out two key points that you want to address.

a. _____

b. _____

2. Write out two positive observations.

a. _____

b. _____

3. Transition to constructive feedback.

4. Two areas for improvement/development.

a. _____

b. _____

5. Agreed upon action steps and notes.
