

SoCalEx

Southern California Externships

FIELD PLACEMENT SUPERVISION MANUAL



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Updated August 2023

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SOUTHERN CALIFORNIA EXTERNSHIPS (SoCalEx)

Supervision Manual for Field Placement Supervisors

For more than 25 years, Southern California Externships (SoCalEx)¹ has supported the teaching and mentoring work of the hundreds of attorneys and judges who volunteer to supervise law students throughout Southern California. This field supervision manual incorporates the joint supervision standards SoCalEx member law schools have developed and highlights common fieldwork issues that are often of interest to students and field supervisors. We hope these materials will be of value to you in your supervision efforts and thank you for your willingness to teach and mentor our students. Your participation in our program as a supervising attorney or judge and educator is our most valued asset.

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¹ formerly the Greater Los Angeles Consortium on Externships (“GLACE”).

SECTION I

EXPERIENTIAL LEARNING AND THE PROCESS OF BECOMING AN ATTORNEY

SoCalEx law schools have developed a number of educational objectives for their externs, including furthering research, writing, oral advocacy, and other lawyering skills; gaining practical legal experience in a variety of fields; and developing an understanding of professional identity and responsibility. (See Section II, *infra*, for complete list of supervision standards).

Just as important as learning to perform specific lawyering tasks is the larger process of experiential learning in which students reflect on their observations and make sense of their experiences. For example, we as faculty supervisors may direct students to reflect on the relationship between the legal work and attorney values, perceptions, and concepts of self-worth, or to think about the ethical conundrums inherent in certain types of law practice. Thus, in addition to the direction and feedback you give externs regarding their performance on assigned tasks, we ask that you share your experiences with and observations about the greater legal system. As many of the externs you will supervise will have little or no prior legal experience, what they learn from you will often become the foundation of their understanding of what it means to be a lawyer.

We also expect students to reflect on their experiences in journals that they keep for themselves and submit to their faculty supervisors. It is therefore important for you and the extern to have a discussion at your earliest convenience regarding the scope of confidentiality for the written journals. This provides an excellent opportunity to discuss with the student the ethical and legal parameters of client confidentiality and any specific rules that your office may have regarding confidentiality and privilege.

It is clear to SoCalEx members that you provide students a wealth of opportunities to not only acclimate into the practice of law, but to experience and reflect upon the process of becoming an attorney, as well as the quality of life your area of practice might provide. Thank you.

SECTION II

SOCALLEX JOINT STANDARDS FOR SUPERVISION OF EXTERNSHIP STUDENTS

An externship is more than just a job: it is a structured learning opportunity in the real world of law practice. The externship course, for which students receive school credit, is a work experience that a student undertakes, and a law school supports, in a legal organization dedicated to training, teaching, and supervising the law student. The externship allows the student to build on legal knowledge, skills, and values learned in the traditional classroom setting.

SoCalEx has developed the following seven educational objectives for the guidance of supervising judges and attorneys. In addition to these goals, each school may have its own specific learning objectives for externships. The schools also ask the students to identify their own specific learning objectives and discuss them with the supervisor.

The SoCalEx -endorsed educational objectives of externship placements are:

1. Facilitate the externs' learning and development through actively training, supervising, monitoring, and mentoring the student throughout the externship.
2. Create opportunities for externs to be engaged in a substantial lawyering experience, similar to that of law clerks or entry-level attorneys, which includes multiple opportunities for performance, feedback, and self-evaluation.
3. Support the externs' efforts to learn from experience by helping them identify specific personal learning goals and then track and assess their progress.
4. Support externs in learning to handle legal issues/problems in real-life situations.
5. Help externs develop good judgment consistent with the legal profession's ethics, values, and duties to clients, the legal system, and society.
6. Help externs appreciate the role of the legal profession in fostering justice and diversity.
7. Support externs' reflection on their values, learning, and performance as they relate to legal professionals' responsibilities to continuously learn and evolve.

SECTION III

STRUCTURING AN EDUCATIONAL EXTERNSHIP

During the time you supervise our law students, you are providing a critical part of the students' legal education. Students from SoCalEx schools earn a substantial number of units for field placement experience and we are understandably concerned that they receive appropriate training, challenging work, and regular feedback. This section provides an overview of the various requirements of an externship program, from choosing to become a field supervisor to completing the final evaluation of your extern, with an emphasis on tools for effective supervision.

A. An Overview of the Externship Supervisor's Role

Hands-on fieldwork, under the supervision of an experienced attorney or judicial officer, provides an excellent learning opportunity for law students. The key to an effective experience is for each party to have a clear understanding of the externship's objectives and the respective roles of the student, supervisor, and school. This section focuses on the supervisor's role, which is regarded as that of the primary teacher, in partnership with and guidance from the school.

ABA Requirements: Because students receive law school credit for the externship, the expectation is that the externship fieldwork will provide a rigorous educational experience for the student. Accordingly, the American Bar Association Standards governing law school curricula spell out detailed requirements for the structure and nature of externships (see [ABA Standard 304\(c\)](#)). Key among them is the requirement of a 3-way agreement among the three parties: the student, the school, and the supervisor. SoCalEx has adopted a uniform 3-way agreement, which we request you review and sign each time you host a SoCalEx school extern.

Supervisor's Role: We greatly appreciate the significant time and effort required to be an effective externship supervisor. Accordingly, we provide the detailed information in this Manual not only to guide those attorneys and judges who take on a supervisory role but to advise you that a school-credit externship supervisory role may not be for everyone. The commitment requires a serious interest in teaching as well as the required time to provide an educational experience to the student. And so, we ask that you please consider whether you possess the following when making a commitment to take on an extern:

- An interest in teaching and mentoring a law student, including a commitment to develop as an effective teacher;
- The time and patience to actively train, supervise, monitor, and mentor a law student;
- A willingness to collaborate with SoCalEx and the respective schools from which you are hosting externs.

B. Selecting Externs and Helping Them Prepare for an Effective Start

To ensure a productive experience for all parties – the school, the student, and the supervisor – we ask that you take a deliberate and methodical approach to selecting your externs as well as to helping them prepare for an effective start to their externship.

Selecting Your Externs: Various approaches are employed when students apply to externships. Some schools may submit the candidates for your review; other schools may leave it up to students to apply directly. Regardless of the approach, it is important for the schools and the interested students to have a clear understanding of what you are looking for. Please consider the following:

- Provide a description of the organization as well as the fieldwork the student will perform. Include any specific requirements that you may have – e.g., coursework; year in school;
- Typically students' application materials consist of cover letter and resume. If you would like to see a transcript, writing sample, or recommendation letter, please specify those items as part of the externship description;
- When inviting students to an in-person or telephonic interview, please let them know the duration of the interview and whether you would like them to submit any additional materials to supplement the application;
- Upon conclusion of the interview, please let the student know when they may expect to hear back;
- If the student does not receive an offer from you, consider providing constructive feedback regarding areas of improvement for next time around – e.g., better crafted writing sample; better preparation for the interview. As teachers, we are always seizing on teaching moments. The students would very much welcome your feedback to help them become more polished and professional – even when they didn't get the externship!

Helping Externs Prepare for an Effective Start: Whether a student is joining you for a semester or the summer session, time flies by very quickly. And, we know that the learning curve at an externship is steep. Accordingly, helping your externs prepare for an effective start can only make the externship more productive for the student as well as go more smoothly for you. We recommend that you provide the following information to your extern as far ahead of the start date as possible to help facilitate an effective start:

- Any code section, regulations, practice guides, or secondary sources that the student should familiarize herself with;
- Whether to brush up on a particular research tool (e.g., Westlaw, Lexis, Bloomberg, book research);
- Whether to brush up on the Bluebook or the California Style Manual;
- Your recommendation for a regular reading routine (e.g., Daily Journal, trade magazine, listserv, blog);
- Your recommendation for joining a bar organization or attending particular CLE or similar programming prior to or during the course of the externship;
- Any wardrobe choices that would help the extern acclimate to the work environment;
- Any other substantive, logistical, or professional tips to help the student hit the ground running!

C. Creating an Appropriate Environment and Orienting Your Externs

The physical workplace environment is extremely important to the successful externship experience. Students who feel comfortable and welcome are more productive. While it may not always be possible to assign each extern with his or her own workspace, SoCalEx recommends, at a minimum, that students be provided:

- A desk or other secure workspace;
- A phone or easy access to a phone;
- A computer, or sufficient access to one, to allow prompt completion of assignments;
- Access to online research tools and relevant hard copy legal research materials;
- Sufficient office supplies;
- Copier and fax access, if necessary.

Equally important to getting the extern started on the right foot is orienting them to the office or chambers and the staff. On the externs' first day, provide them an orientation so that they feel welcome and understand how things work. This should include:

- A brief orientation to the office or chambers, including a tour of the office and introduction to all staff they are likely to encounter during the workday;
- Letting them know if they can ask for assistance from any of the support staff to accomplish a task;
- Written office procedures and policies, if available;
- Office keys or restroom keys, if necessary;
- Clear instructions regarding parking or reimbursement for parking expenses;
- Instructions as to any workplace limitations, such as areas that may be off-limits or files or materials that may be sensitive or confidential.

Along with the physical setup of the office and a first-day orientation, it is important to include the student in the office culture throughout the externship. The more the student is treated as part of the team, the better the learning experience will be for the student. To help integrate the extern to the greatest extent possible, please consider doing some or all of the following:

- Invite externs to meetings, hearings, conference calls, and any other activity that may be relevant to the student's work or may enhance understanding of the project or task;
- Circulate general office memoranda to externs, if appropriate;
- Include externs in the informal matters of the workplace, such as celebrations or group luncheons.

D. Extern Learning Plan and the Three-Party Agreement

Once the extern arrives at your office or chambers, he or she will likely seek to address the following two matters with you, both of which are a critical part of the educational goals of the externship course.

Learning Plan: First, most SoCalEx schools require students to prepare a learning plan that sets forth the student's learning goals for the externship and a plan for meeting the goals. Students identify not only what they want to achieve during their externship, but ways in which they might attain those goals. Externs may seek your input or approval of their plans, in writing or informally. If the school does not require a learning plan, consider asking the students to prepare one for you. Encouraging the students to set goals, reflect on their progress, and self-assess will help enhance the externship learning experience.

Some common types of goals a student might select for a learning plan include:

- **Improve legal knowledge or skills.** Students often identify areas of legal knowledge or legal skills that they hope to improve through the externship, including: better understanding of particular area of law by seeing it in practice; efficiency of research skills; analysis skills, in particular in persuasive writing; factual investigation; client interviewing and counseling; contract drafting. Honing these practical skills should lead to a relevant legal writing sample for use in employment applications.
- **Develop general professional skills and habits.** Another common category of goals is improvement of general professional skills and habits, such as: becoming a better self-directed learner; developing good judgment (for example knowing when to ask for help and guidance); time management and project management.
- **Forge a professional identity.** Finally, students often identify goals in the area of professional identity formation such as the following: learning how the rules of professional responsibility play out in the real world of legal practice; understanding what it's like to practice as a prosecutor, etc.; developing professional relationships that will help them transition from the school setting to the real world of legal practice.

Three-Party Agreement: Second, the extern will present you with a "Three Party Agreement" for you to review and sign. American Bar Association Standard 304(c), which governs externship courses, requires "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[.]" SoCalEx and BACE (Bay Area Consortium on Externships) worked together to create a uniform Three-Party Agreement to satisfy this ABA requirement. While each member school may alter the Agreement slightly, the basic form can be found on the SoCalEx home page www.socalexternships.com.

E. Throughout the Semester: Assignments, Feedback, and Continuous Communication

The following are some suggestions for maximizing the externship's educational value to the student as well as the value of the student's contribution to the legal work of your office, chambers, or organization.

Streamline Your Assignment Process: Consider filtering all assignments through a single supervising attorney or judicial clerk. This approach will ensure that no one student has too much or too little work and, in the long-term, will increase educational value. In addition, this system will help track the variety and nature of assignments each student is getting so that there is progression (when warranted) toward more complex assignments. Finally, the supervising attorney can also ensure that the assigning attorney has provided an adequate description of the work and has equipped the student with enough background information to complete their assignment.

Give Meaningful Assignments: As described in the Three-Party Agreement, the assignments you give to an extern should be similar to that of a law clerk or entry-level staff attorney, including exposure to a broad range of lawyering skills. Assignments may include, but are not limited to, drafting documents and pleadings, researching and writing memoranda, interviewing clients and witnesses, attending conferences, negotiations or mediations, and observing or participating in meetings, depositions, or court proceedings. Administrative work should be kept to a minimum.

Have Back-up Assignments Ready: Think about a few low-priority assignments that you could give to the extern to work on during slow periods. With a few of these long-term or non-pressing assignments in your pocket, you can keep an extern busy when otherwise they might be waiting for their next assignment.

Make Assignments Clear: To ensure that you communicate the assignment clearly and completely, you might use the following checklist of information to share with the extern:

- ☐ Objectives of the assignment
- ☐ How the project fits into the overall case, deal, or project
- ☐ How much time you expect to be spent on the assignment
- ☐ How often and at which junctures they should check-in during their assignment
- ☐ Where they might begin researching (such as in a specialty treatise)
- ☐ What the finished product should look like (consider sharing a sample memo, for example)
- ☐ Who they may contact for assistance if you are not available
- ☐ When it is due

Continuous Communication: Frequent communication with the externs, both about specific assignments and in general, is critical to the student's educational experience. Open communication can prevent misunderstandings, clarify expectations, and ensure that your extern becomes an integrated member of your team. To ensure clear and open communication, consider doing some or all of the following:

- Set a weekly meeting time to check in with your externs about their work and solicit questions they may have;
- Send a quick email or stop by the extern's desk at least once a week to check their

- progress on any pending assignments and see if they have any questions;
- Tell externs if you have an “open door” policy, and if you do not, what is the best way for them to approach you with questions or concerns;
- Let externs know whom they can approach with questions if you are not available.

Effective Feedback: Providing timely and constructive feedback for all assignments is critical to the extern’s academic experience. It is important to begin providing feedback early in the semester so the student can use the feedback to continuously improve her performance. Note that providing feedback is not merely pointing out strengths and weaknesses; truly productive feedback is a collaboration between the supervisor and student where both are responsible for thoughtful evaluation.

We know your time is valuable, and that sometimes you may not be able to do more than markup the extern’s draft and return it for revisions. At least on several assignments, however, we recommend taking the time for a collaborative approach to feedback that helps students become self-directed learners. We suggest the below six-step model, developed to assist externship and clinical supervisors in giving students constructive feedback.² The primary goal of this model is to teach law students to self-critique their own work and to develop critical self-awareness in performance. The Six-Step Model is as follows:

Step One – The Student Identifies Strengths of the Performance: The student should identify those aspects of the work that he or she feels they did well, including explaining what their work or performance accomplished.

Step Two – The Supervisor Responds Solely to Those Items Raised by The Student: 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, supported 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 areas of weakness 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.

² Beryl Blaustone, Teaching Law Students to Self-Critique and to Develop Critical Clinical Self-Awareness in Performance, 13 CLIN.L.REV. 601 (2006).

Evaluations: Your formal evaluation of the students' effort and performance is an essential part of the externship course. If you have met with your extern regularly for feedback on assignments, the formal evaluation process will simply be a summation of the earlier formative assessments. While each SoCalEx school uses its own evaluation methods and forms, we all require a final evaluation from the supervising attorney or judge. Also, a midterm evaluation is very helpful as it provides an opportunity to address concerns and correct (if necessary) any behavioral or work product issues. The final evaluation should be comprehensive and document the externs' progress and areas of growth. We recommend that our students use this final evaluation as part of their law school record, similar to the grades transcript, when applying for future positions. Accordingly, it is helpful to have your candid and thorough feedback on the final evaluation form.

SECTION IV

ETHICAL STANDARDS

SoCalEx schools recommend that all externship placements implement steps to ensure that law students, who may or may not have experienced formal training in professional responsibility at the time of the placement, are aware of the ethical standards and professional responsibility pertaining to the placement which are usually addressed through an orientation at the beginning of the externship. Specifically, please educate your extern about the following:

A. Confidentiality

Please explain to your extern the particular rules of confidentiality that he or she should be aware of, under rules of professional responsibility. Also, educate your extern about matters that otherwise require utmost discretion or confidentiality – e.g., in a judicial externship, what the extern learns about the judge, his/her preferences, personal traits, etc.; in an in-house externship, business information that the extern learns by virtue of the externship; in a legal aid organization that involves client intake, information that the extern learns from a potential client.

Please also tell your extern with whom in the office/chambers she can discuss confidential or nonpublic information – e.g., if DA1 gives the extern an assignment, what should the extern do if DA2 asks you about the issue; if the General Counsel for a company asks the extern to research a legal issue, what should the extern do if the Director of Business Affairs asks to see the analysis?

Finally, please educate your extern about the placement's rules relating to data security, maintaining the security of the workspace (e.g., minimizing the computer screen when stepping away), and whether any work materials can be removed from the immediate workspace, and what to do with fieldwork notes, etc. that the extern has on personal computer or in hard copy.

B. Potential Conflicts

Provide awareness regarding potential conflicts and the protocol to deal with potential conflicts or even the appearance of potential conflicts. Along the same lines, judicial externs will need guidance about court rules regarding the extent of interaction that they may have with an attorney or a party as well as with jurors or potential jurors.

C. Unlawful Practice of Law

Please explain to your externs that (1) they should limit all communications with clients, other attorneys, etc., to the scope of communication/work that you have authorized to perform, and (2) to always preface all communications by disclosing that they are externs.

SECTION V

ANTI-DISCRIMINATION AND HARASSMENT POLICY AND DISABILITY ACCOMMODATION

All SoCalEx member schools are committed to providing our students with externships free of discrimination and harassment based on race, color, religion, marital status, sex, national origin, age, sexual orientation, gender identity, disability, and military status. The externship working environments should be one where all students feel welcome to participate, where all students are safe from harassment and discrimination, and where any disabilities students may have are reasonably accommodated.

While this section is not intended to provide legal advice, below please find the following references for your consideration:

- Title VII of the Civil Rights Act, 42 U.S.C. §2000 *et. seq.*
- U.S. Equal Employment Opportunity Commission, www.eeoc.gov/law
- Americans with Disabilities Act, 42 U.S.C. §12101, *et seq.*
- Information and Technical Assistance on the American with Disabilities Act, www.ada.gov
- California Department of Fair Employment and Housing, www.dfeh.ca.gov
- California Fair Employment and Housing Act, Gov't Code § 12940 *et. seq.*

If you have any concerns about your organization's ability to provide a work experience in accordance with the above policies, please contact the externship faculty or administrator at the relevant SoCalEx member school.

SECTION VI

HELPFUL RESOURCES AND LINKS

- The SoCalEx home page www.socalexternships.com.
 - The Three-Way Agreement between Student, Supervisor and School
 - Materials from past supervisor training sessions
 - This Manual
 - and more...
- ABA Standards Rules of Procedure for Approval of Law Schools, Chapter 3, Standard 304: www.americanbar.org/groups/legal_education/resources/standards.html. This is the Standard that governs externship programs for which students receive school credit.
- Various state and federal employment law websites (see those listed on page 14).
- Beryl Blaustone, Teaching Law Students to Self-Critique and to Develop Critical Clinical Self-Awareness in Performance, 13 CLIN.L.REV. 601 (2006).
- Barbara A. Blanco & Sande L. Buhai, Externship Field Supervision: Effective Techniques for Training Supervisors and Students, 10 Clin. L. Rev. 611 (2004).
- Bernadette T. Feeley, Training Field Supervisors to Be Efficient and Effective Critics of Student Writing, 15 Clin. L. Rev. 211 (2009).
- Susan K. McClellan, Externships for Millennial Generation Law Students: Bridging the Generation Gap, 15 Clin. L. Rev. 255 (2009).