

Thank you for agreeing to supervise one or more of our law students in an externship position. Externships provide a practical component to classroom instruction by providing students with experience in various legal settings. Through externships, students improve relevant legal skills such as research, writing, negotiation, client communication, and oral advocacy. We also expect that students will increase their knowledge of a substantive area of law.

Supervisors and staff play an important role in educating future lawyers about substantive law, professionalism, and ethics. In any externship, the quality of a student's experience is directly related to the quality of the supervision. This manual outlines program requirements and suggested techniques for mentoring student externs and developing a mutually beneficial working relationship.

As we work to develop and maintain meaningful and exciting externship placements, we hope that you will continue to offer us your suggestions and feedback so that we may continue to improve the Externship Program at the Sandra Day O'Connor College of Law.

Thank you for your interest and willingness to supervise an extern!

**Contact Us:**

**Trevi Grant**, Assistant Dean, Student Career Success & Employer Relations

Sandra Day O'Connor College of Law

111 East Taylor Street

Phoenix, AZ 85004-4467

480-727-6653 (direct)

[Trevi.Grant@asu.edu](mailto:Trevi.Grant@asu.edu)

**Teri Adam**, Externship Director

480-496-3134 (direct)

[Teri.Adam@asu.edu](mailto:Teri.Adam@asu.edu)

**Guadalupe Garcia**, Externship Coordinator

602-543-5134 (direct)

[Guadalupe-Garcia@asu.edu](mailto:Guadalupe-Garcia@asu.edu)

## MANUAL OVERVIEW

- I. **Supervisor Qualifications.** Supervisors must be licensed attorneys in good standing with at least 3 years of continuous practice experience, have no disciplinary action, and be employed by the placement entity.
- II. **Experiential Learning.** Externships must (i) integrate doctrine, ethics, and professional skills, (ii) assign substantive legal work comparable to that of a junior attorney, (iii) provide opportunities for performance, and (iv) provide opportunities for self-evaluation.
- III. **Developing Student Externs.**
  - A. Encourage growth in competencies such as legal analysis, legal research, and professional and ethical responsibilities.
  - B. Provide feedback to student externs frequently and routinely (at least once per week). You may be reluctant to critique the student's work, but externs need, deserve, and actually want honest feedback. Please teach them what to do differently even though it may be difficult to give critical feedback.

➤ ***Supervisors must complete a mid-term and final evaluation every semester for each extern.***
- IV. **Supervision Guidelines.**
  - A. Be prepared for your extern's arrival:
    - Identify the student's work space and necessary equipment.
    - Gather all keys, codes, passwords, and manuals the student might need.
    - Determine who will monitor the student's workload.
    - Determine which support staff will be available to help the student, if any.
    - Setup any electronic legal database accounts necessary, such as Westlaw (see Appendix E).
    - Prepare a first assignment.
  - B. Discuss expectations and communication channels. Introduce the student to other employees, exchange contact information, and explain the office's mission, structure, and your expectations of the extern. Discuss protocols such as dress code, punctuality, security, safety, filing, computer use, and phone use.
  - C. Discuss the extern's goals within the first couple weeks of the externship.
  - D. Discuss confidentiality and conflicts of interest. Some externs have yet to take Professional Responsibility. A sample confidentiality agreement is attached as Appendix B, and a sample Conflicts of Interest form is attached as Appendix C.
  - E. Provide clear assignments. Assignments should: (i) specify a desired form for the finished product; (ii) provide sufficient background; (iii) explain the purpose and objectives; (iv) suggest available reference materials; and (v) provide a realistic deadline.
  - F. Plan observation opportunities.

### **Manual Appendices:**

Appendix A: ABA Standard Governing Externship Programs

Appendix B: Workplace Confidentiality Statement

Appendix C: Conflicts of Interests Inventory

Appendix D: Writing Self-Evaluation Form

Appendix E: Electronic Legal Database Usage

# EXTERNSHIP SUPERVISOR MANUAL

## I. Supervisor Qualifications

Externs must be supervised by one attorney who will direct, mentor, and monitor the student throughout the semester. Supervisors must:

- Be licensed attorneys in good standing with at least 3 years of continuous experience;
- Have no disciplinary action taken against them; and
- Be employed by the sponsoring agency, court, or firm.

## II. Experiential Learning

ABA standards require that law students complete at least six credit hours of experiential learning. Externships provide one way for students to meet this requirement. Our students earn one credit hour for every 55 hours worked at their placements. In accordance with ABA standards, a faculty member will supervise each student and may schedule a site visit to ensure that supervisors are providing a quality experience at each placement.

To meet ABA requirements, the externship must be both experiential in nature and:

- (i) Integrate doctrine, theory, skills, and legal ethics, and engage students in performance of one or more of the professional skills identified in ABA Standard 302 “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”;
- (ii) Develop the concepts underlying the professional skills being taught;
- (iii) Provide multiple opportunities for performance; and
- (iv) Provide opportunities for self-evaluation.<sup>1</sup>

Consistent with these guidelines, externs should be assigned substantive legal or policy work that allows an extern to develop a variety of legal skills. Please designate a workspace for your extern and access to any materials necessary to complete projects.

## IV. Developing Student Externs

### A. Encourage growth in competencies.

Externships should provide students with opportunities to build on their existing knowledge of substantive and procedural law and ability to:

- Perform legal analysis and reasoning;
- Conduct legal research;
- Problem solve;
- Effectively communicate; and
- Understand their professional and ethical responsibilities.

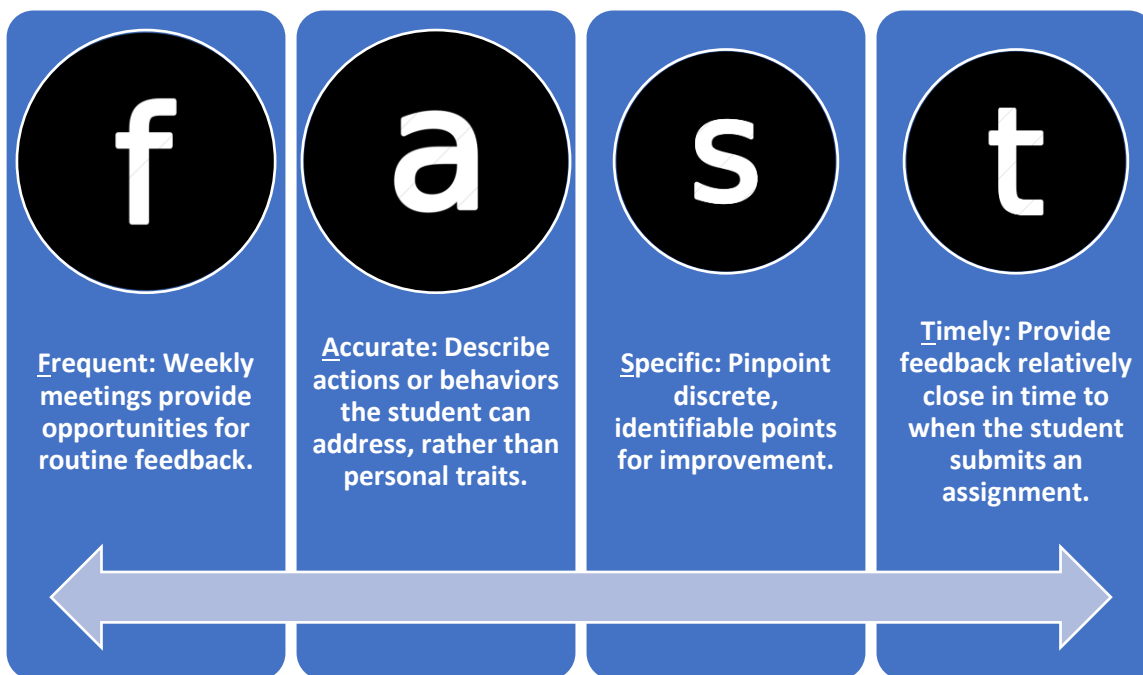
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<sup>1</sup> ABA Standard 303(a)(3).

B. Provide feedback to student externs frequently and routinely.<sup>2</sup>

Feedback is vital to helping students develop the foregoing skills. Students want and deserve constructive, timely, and specific feedback on projects as they proceed through the semester. Without it, externs often assume that “no news is good news” and will continue to repeat the same mistakes unless specific suggestions are given regarding how to improve their skills. **At a minimum, supervisors should meet with their externs at least once per week.**

*One constructive feedback model is known as the “FAST” method:*



**Other suggestions:**

- Describe what the student does well and what they can do to improve.
- Check for understanding. Pose a question or comment that allows the extern to show the extern can incorporate the suggestions going forward.

An optional “Writing Self-Evaluation” is attached as Appendix D. If used, the extern will first complete the “Writing Self-Evaluation,” then provide a copy of the evaluation to the supervisor with the completed written project. You may request that your extern complete the evaluation after any project, and then use the extern’s responses to jumpstart your critique of the finished project.

Externs are encouraged to engage with you in a collaborative mode, not a passive one. We suggest that you encourage externs to assess their own work, identify and discuss what they found challenging, and suggest ideas as to how the work could be improved. See, A. Alexander and J. Smith, *A Practical Guide to Cooperative Supervision for Law Students and Legal Employers*, 29 Law Office Economics and Management 207 (1988).

***Each supervisor must complete one mid-term and one final evaluation each semester for each extern. Both evaluations must be discussed with the extern prior to their submission to our office. The student is responsible for ensuring the supervisor submits both evaluations on time to receive a final grade.***

<sup>2</sup> The broad topics to consider for feedback are: Research and Analytical Skills, Writing Skills, Legal Knowledge, Oral/Advocacy Skills, Ethical Concerns, Attitude and Work Habits, and Professionalism.

## V. Supervision Guidelines

### ✓ *Be prepared for your extern's arrival.*

- Identify the student's work space and necessary equipment.
- Gather all keys, codes, passwords, and manuals the student might need.
- Determine who will monitor the student's workload.
- Determine which support staff will be available to help the student, if any.
- Setup any electronic legal database accounts necessary, such as Westlaw (see Appendix E).
- Prepare a first assignment.

### ✓ *Discuss expectations and communication channels.*

Take time during the student's first week to introduce the student to other employees, exchange contact information, explain the office's mission and structure, and discuss your expectations. Discuss protocols such as dress code, punctuality, security, safety, filing, computer use, and phone use.

No matter how informal and friendly your office may seem, be aware that there is a significant imbalance of power between supervising attorneys and externs. Most externs are aware of their place in the office hierarchy and may be reluctant to ask questions or seek advice for fear of appearing incompetent. When you make every effort to create and maintain a comfortable and effective working relationship, the externs' educational experiences and their contributions to your office will be maximized.

### ✓ *Discuss the extern's goals.*

Students are required to establish educational goals at the beginning of the semester. They are required to discuss them with their supervisor within the first couple weeks of the externship. Please ensure that you are aware of your extern's goals at the beginning of the semester and review them again, if feasible, at the mid-point of the semester.

### ✓ *Discuss confidentiality and conflicts of interest.*

Have a conversation about **confidentiality** and **conflicts of interest**. Some externs have yet to take the "Professional Responsibility" class. If your office uses a confidentiality agreement with externs, discuss it and have the extern sign it. A sample confidentiality agreement is attached as Appendix B, and a Conflicts of Interest form is attached as Appendix C. Remind the extern about confidentiality often.

### ✓ *Provide clear assignments.*

Even if multiple attorneys are assigning projects, a single person (preferably the supervisor) should be the gatekeeper to make sure that an assignment is appropriate, the extern understands the assignment, has a manageable workload, and is receiving a variety of assignments. Assignments should:

- Specify a desired form for the finished product (e.g., an overview outline, a detailed memo with copies of the cases, a draft order, an oral briefing). Provide samples, if available.
- Provide sufficient factual and contextual background.
- Explain the purpose and objectives of the assignment.
- Suggest available reference materials (e.g., Moore's Federal Practice, case law).
- Provide a realistic deadline (consider tripling the time it would take for you to complete the project).
- Identify with whom the extern should consult with any questions.

✓ **Plan observation opportunities.**

Students are motivated to do their best work when they understand the intrinsic value of the task they have been given and 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 student to observe you and other attorneys performing the full panoply of lawyering tasks.

Although lawyering tasks vary among law offices, if your office engages in all or some of the activities described below, consider including the extern either as observer or participant.

- i. Client interviewing and counseling
- ii. Witness interviewing and preparation
- iii. Depositions
- iv. CLE events
- v. Meetings with co-counsel
- vi. Negotiations with opposing counsel
- vii. In-chambers discussions or staff meetings
- viii. Hearings and/or trials

**VI. What to Expect from the Law School Externship Director and Coordinator**

The Externship Director and Coordinator are here to support you. We are happy to provide training for you and your office on effective supervision techniques, to assist you with giving feedback, to brainstorm how to address a student who is underperforming, or any other concerns you might have about an extern or the program. We are eager to support you and are grateful for your mentorship of our students.

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*The Sandra Day O'Connor College of Law at Arizona State University would like to acknowledge and thank the Bay Area Consortium on Externships (BACE) and the Greater Los Angeles Consortium on Externships (G.L.A.C.E.) for their willingness to share materials from their Manual for Extern Supervisors Best Practices-A Primer (BACE) and Field Placement Supervision Manual (GLACE).*

## Appendix A

### **ABA Standard 304. Simulation Courses, law Clinics, and Field Placements**

...

(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; and

(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).

## Appendix B

### SAMPLE EXTERN CONFIDENTIALITY STATEMENT

**General** – The obligations of confidentiality arising from the Rules of Professional Conduct found in Arizona Supreme Court Rule 42. E.R. 1.6 applies to externs. [Placement] staff, including externs shall not disclose or release any information designated as confidential, or that may identify a party, client, case, or matter that is served by or brought to [Placement], without the express advance authorization of the extern supervisor. The extern must keep confidential any information received from a client regardless of whether it pertains to a pending case. This legal obligation continues beyond the period of the externship. An extern may use a properly redacted document as a writing sample only with the supervisor’s express permission.

**Providing Legal Advice** – Externs shall not give any legal advice to a person or client, nor express any opinion concerning the merits of a client’s case to a client or to any third party, unless the student is supervised by an attorney or is authorized by the attorney to provide the advice.

**Office Visits** – No one other than [Placement] staff should be permitted in the offices without permission. If anyone other than [Placement] staff, including former staff members, enters the premises, they shall be escorted to an office or conference room. Externs should receive permission from their supervisor before inviting personal guests to visit the office.

**Taking Office Files Off-Site** – Office files shall not be removed from [Placement] without permission from the extern’s supervisor. In cases where permission is given, only copies and not originals of files may be taken off-site. Office files should never be emailed to private accounts. When communicating with a supervisor, co-worker, client, or others regarding confidential case information, special care should be taken to preserve confidentiality. Records of email communications should be consistent with office policy.

**Disposing of Office Files** – Confidential information shall be disposed by shredding it at the office or in accordance with the protocol for disposal of electronic copies.

**Acknowledgment** – By signing this agreement, the extern agrees to comply with the provisions above and confirms that the undersigned has read E.R. 1.6 regarding confidentiality provisions in the Arizona Rules of Professional Conduct, Arizona Supreme Court Rule 42.

Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_



Appendix C

EXTERNSHIP PROGRAM CONFLICTS OF INTEREST INVENTORY

To Be Shared with Placement Supervisor Only

Student Name: \_\_\_\_\_

Placement: \_\_\_\_\_

Semester: \_\_\_\_\_

***The information that you provide will assist you and your placement supervisor(s) to identify any actual or potential conflicts of interest that would jeopardize the confidentiality and loyalty you owe to your prospective externship placement. Please take your time to answer these questions thoughtfully and completely. Attach additional sheets if necessary.***

1. Are you now working or volunteering, or have you worked or volunteered for a law firm, legal services office, corporation legal department, governmental agency, judge, hearing examiner, or in the securities industry (legal or non-legal) prior to enrolling in the Externship Program?

Yes ( )

No ( )

If yes, where are you working/have you worked? (List **all**, starting with most recent and providing dates and locations.)

On what type(s) of cases did you work at each location?

2. Are you planning on being employed or volunteering at any office in any of the categories listed in question #1 during your externship semester?

Yes ( )

No ( )

If yes, where will you be employed or volunteering?

On what types of cases are you (will you be) working?

3. Are you planning on maintaining any other non-legal employment, board affiliations, or volunteer activity during your externship semester?

Yes ( )

No ( )

If yes, where will you be employed, serving as a board member, or volunteering?

What type of work will you be doing?

4. List any entities to which you have applied for future employment, including law firms, legal services offices, in-house legal departments, governmental agencies, judges, hearing examiners, or employers in the securities industry (legal or non-legal). You need not include a prospective employer from whom you have received either a “no-thank-you” letter or an offer of employment which you have declined. Between now and the completion of your externship, if you contact any other prospective employer not listed on this form to explore a potential employment relationship or if any prospective employer contacts you for that purpose, you must update this form to include that prospective employer.
  
5. Are there any other personal, financial, or family interests that could present conflicts of interest for you at your proposed placement(s)? If so, please identify them here.
  
6. Have you been enrolled in the Externship Program or in a law school clinic before?

Yes ( )

No ( )

If yes, state the semester(s) in which you were enrolled (including summer sessions) and identify your clinic and/or externship program and placement below.

***Note: You have an obligation to update this Conflicts of Interest Inventory if any of the information you have provided changes between the date you submit this form to your placement supervisor and the end of the semester in which you are enrolled in the Externship Program.***

*This inventory was reprinted with the kind permission of Arlene S. Kanter who created the Inventory while Director of the Externship Program at Syracuse University College of Law, Alexis Anderson, Cindy Roman Slane, and Thomson/West. Ogilvy.et al. Learning From Practice 2<sup>nd</sup> ed. St. Paul: Thomson/West, 2007.*

## Appendix D

### Externship Program, Sandra Day O'Connor College of Law Writing Self-Evaluation Form

**(Share a copy of your completed evaluation with your placement supervisor before your meeting)**

Student Name: \_\_\_\_\_

Description of Assignment: \_\_\_\_\_

Assigning Judge/Attorney: \_\_\_\_\_

Evaluation with Supervisor Completed (date): \_\_\_\_\_

As an extern, you will be working in a real-world legal setting. You will likely encounter new problems that you have not encountered yet in your law school or undergraduate work. We know that some assignments will be especially challenging for you because you will have to apply some of the skills you learned in the past to new and different circumstances, sometimes with little or no guidance. This evaluation form should help you through the process of mastering the kinds of skills you will need to become a successful lawyer.

Fill out Section A after completing any written assignment and make an appointment with your externship supervisor to discuss your work. Make a copy of the completed Section A form and turn it in to your supervisor with your written project. Ask for critical feedback when you meet with your supervisor.

A. Answer the following questions and provide a copy to you supervisor with your written product:

1. In writing this assignment, what do you think you did well?
2. What strategies helped you succeed?
3. What part(s) of the assignment did you struggle with?
4. What strategies did you use for the part(s) of the assignment you struggled with?
5. Did those strategies work?
6. If your current strategies didn't work, brainstorm other strategies that might be better.

B. Student notes from supervisor's evaluation. (When you meet with your supervisor to discuss this project, take notes of here so that you may improve your research and writing skills.)

**NOTE: This form is for student use only and does not have to be submitted to the Externship Program upon completion.**

## **Appendix E**

### Electronic Legal Database Usage

#### **Westlaw**

Students may use Westlaw only for purposes directly related to law school coursework, including pro bono and public service programs, minimal law school-paid stipend work, and unpaid internships or externships that are part of a student's graduation requirements. Any other use, including in connection with employment outside of the law school, or any paid internship or externship, is prohibited.

Summer use of Westlaw: Student Westlaw passwords are suspended each summer unless the student is enrolled in law school classes or has another authorized summer use of the platform such as law review or a research assistant position.

#### **Lexis**

Students may use Lexis only for purposes directly related to law school coursework, including an unpaid internship, externship, or clinic for school credit or graduation requirement. Students may not use their Lexis account for commercial purposes, including conducting research for a law firm, corporation, or other entity that is paying the student.

Summer use of Lexis: During the summer months of May-August, Lexis allows students to use their school Lexis account while employed at any law firm, government agency, court, or other legal position, internship, externship, or clerkship, including paid positions.

#### **Bloomberg Law**

Students may use Bloomberg Law for any legal research purpose, whether educational or commercial, including both paid and unpaid internships, externships, clerkships, and other legal positions. This policy remains consistent year-round.