

INDEPENDENT EXTERNSHIP PROGRAM

Guidelines for Field Supervisors

1. INTRODUCTION

Thank you for your willingness to serve as a Field Supervisor to a Mitchell Hamline law student. You will play an important role in our mission to provide education to our students to serve, teach, study, and practice law by being critical observers and active participants. We recognize that extern supervision takes time and effort, but we hope your experience as a field supervisor will also be enjoyable and rewarding. These set of guidelines is intended to provide information about the Independent Externship Program and assist you in working with our students.

2. EXTERNSHIP PROGRAM GOALS

While the essence of the independent externship is the student's own learning goals, the following Program Goals specify what we hope to accomplish by having such a program at Mitchell Hamline. We aim to provide our students the opportunity to:

- Pursue individual learning goals;
- Gain skills and knowledge necessary to work with individuals with life experiences different than the student's own life experiences;
- Apply knowledge and skills gained from academic studies in class to the rigors of practice;
- Learn to be a reflective professional-- articulate observations, comprehend, and integrate new knowledge for future actions;
- Develop professional responsibility skills;
- Assist in defining career goals and create professional networks.

3. ABA REQUIREMENTS FOR STUDY OUTSIDE THE CLASSROOM

Mitchell Hamline's Independent Externship Program is operated in accordance with the guidelines set forth in the American Bar Association's Standards for Approval of Law Schools, ABA Standard 305. See http://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2015_2016_chapter_3.authcheckdam.pdf.

4. FIELD SUPERVISOR'S RESPONSIBILITIES

A. Review student's goals & assist in identifying field activities to achieve those goals. Prior to the placement start date, the student and supervisor are expected to discuss the student's learning goals for the field placement and identify opportunities for the student to meet those goals. Based on this discussion, the student will write her/his Education Agreement and request that you review and sign the Education Agreement.

B. Conduct a thorough initial meeting to cover office basics. Please schedule an initial meeting with the student extern at the very start of the first week of fieldwork to orient the student to the nature of the work, the set-up of the office, and to set the tone for the supervisory relationship. We recommend that you address the following issues with the student at the start of the fieldwork:

- **Conflicts Check.** If you haven't already asked the student about his or her previous/current employment and affiliations that might potentially be in conflict with your organization's conflict policy, please discuss at the initial meeting.
- **Confidentiality and Professional Responsibility.** Discuss professional obligations such as confidentiality, conflicts of interest and permissible communications with those outside the office at the outset of the fieldwork. If there are particular ethical policies that govern your office, please share them as well. It is also helpful for the student to know the title to use on communications, e.g., "law student extern" or "legal extern."
- **Function of the Office.** Discuss with the student the services provided by your office and who the organization's clients are (if there are clients), as well as the particular substantive areas of law that the office focuses on. This will help to orient the student extern to her/his new work environment.

Please take the time to show your student around the office, including a brief overview of the office space where resources for research are available and introductions to staff with whom they will interact.

- **Relevant Office Policies.** Please share with the student the relevant office policies, such as any dress code and the use of office equipment.
- **Schedule of Meetings with Student.** It is important to plan early for both formal and informal communications with your student. We encourage you to have at least weekly meetings with each student extern, during which you can review work and discuss other matters.
- **Workspace.** Each student extern will need some form of a workspace set aside. Please advise others in the office where the student will be located.
- **Work Schedule.** Together with the student, develop a schedule of the specific days and times for fieldwork. A set schedule provides the student extern with the opportunity to develop a sense of commitment and responsibility and also allows you to better plan for the student's involvement and gather assignments.

C. Ensure the student is involved, assign meaningful projects & provide critical feedback.

- **Involvement & Assignments.** Please include your student in the activities of the office. As appropriate, invite the student to attend client meetings, conferences, administrative hearings and trials, negotiations, settlement conferences, either as observers or active participants. Students should not, as a general rule, be asked to perform ongoing clerical duties such as photocopying and phone coverage.

Assign a variety of meaningful legal tasks. Such tasks may include, with appropriate supervision: drafting of documents and policies; conducting legal research; interviewing and counseling clients; negotiating; responding to government agencies, writing letters to constituents, and providing advocacy in court proceedings.

Inform the student the chain of command for assignments, i.e., from whom she/he should accept work. It is always best if assignments go through the Field Supervisor, even if a student will work with others in performing some tasks. Inform your student about the review process for her/his

work, as well as whether there are any tasks the student may carry out without a supervisor's review or approval.

- **Explanation of Assignments.** It is always helpful to carefully explain assignments and make certain the student understands what is expected. Set a deadline for each assignment and keep track of whether the student is completing assignments in a timely fashion. Please inform your student of available resources that might be helpful, particularly those resources with which the student might not be familiar. In addition, provide context for each assignment, i.e., how the work product will fit into the larger picture. For relatively complex assignments, please ask the student to check in early and often to report on his/her progress.
- **Feedback.** Field Supervisors are expected to meet with each student extern on a regular basis to provide critical feedback. It is important to identify those aspects of the student's work that are effective, as well as those aspects that require improvement. *See Appendix A for Best Practices for Providing Feedback.*

At the end of the semester, the Field Supervisor will be asked to complete and submit a brief, written evaluation or the faculty supervisor may call you to ask for feedback on the student's performance.

5. TIMEKEEPING

The student is responsible for tracking her/his hours and timely submitting timesheets to Mitchell Hamline's Clinic Administrator to earn credit. You will not be asked to verify the student's hours. If you have any questions about the student's hours, please contact Mitchell Hamline's Clinic Administrator or Externship Director (see 6 for contact information).

6. WESTLAW AND LEXISNEXIS

Students may use their Westlaw and LexisNexis educational accounts to conduct legal research and other assignments that are directly related to their learning during their externship. Any other use, including any use in connection with the student's employment or where the student receives remuneration of any kind, is prohibited.

7. RESOURCES FOR FIELD SUPERVISORS & STUDENTS

A. Sexual Harassment, Non-Discrimination and Non-Harassment, and Sexual Violence Policy. Although field supervisors are not employees of Mitchell Hamline, we wanted to ensure you were aware of our policy regarding non-discrimination and non-harassment and know that this resource is available.

It is the policy of the Mitchell Hamline School of Law (the "School") to maintain a working environment that is free from sexual harassment, harassment, discrimination or sexual violence based on actual or perceived race, color, creed, religion, national origin, sex/gender, gender identity, marital status, familial status, disability, status with regard to public assistance, sexual orientation, age, membership or activity in a local human or civil rights commission, gender identity, or any other protected class defined by law. The School prohibits any form of harassment, violence or discrimination based on actual or perceived protected class status. Retaliation against a person who reports or complains about sexual harassment, harassment, discrimination, or sexual violence or who participates in or supports the investigation of a complaint is also prohibited and will not be tolerated.

In addition, the School also prohibits dating violence, domestic violence, sexual assault, and stalking.

For a complete copy of this Policy and the School's Sexual Harassment Policy, please contact the Externship Director.

B. Faculty. Mitchell Hamline students who enroll in the independent externship course are required to have a full-time faculty supervisor who will provide educational supervision. The faculty supervisor is responsible for: (1) Meeting with the student during the externship; (2) Assisting the student in guided reflection based on the student's experiences; (3) Evaluating whether the student achieved his/her learning goals; (4) and providing support to the student and field supervisors as necessary.

C. Externship Director. Mitchell Hamline's Externship Director is responsible for the overall management of the Independent Externship Program.

If you have concerns: The faculty and administrators at the law school will intervene in situations in which a field supervisor and student are unable to discuss the problem or when there have been attempts to address the issues but the problems have not been resolved. If you have any concerns about a particular student extern, please contact:

Professor Erica Strohl, Externship Director, Mitchell Hamline School of Law, 875 Summit Avenue, St. Paul, MN, erica.strohl@mitchellhamline.edu (651) 290-7684.

Larisa Gehmie, Externship Administrator, larisa.gehmie@mitchellhamlin.edu (651) 290-6463.

Please feel free to call Erica or Larisa with any questions.

D. Independent Externship Program Website. Contains program details and resources. <http://mitchellhamline.edu/externships/independent-externships/>.

E. Recommended reading for Field Supervisors.

Liz Ryan Cole & Leah Wortham, *Learning from Supervision* in **LEARNING FROM PRACTICE: A PROFESSIONAL DEVELOPMENT TEXT FOR LEGAL EXTERNS** 31-51 (J.P. Ogilvy, Leah Wortham & Lisa G. Lerman, eds., Thompson West 2007).

Please contact Larisa if you would like to a copy of *Learning from Supervision*.

APPENDIX A

Best Practices for Providing Feedback

These are some guidelines for performing effective critiques:

- *Be prepared to critique.* Take time to organize your critique before delivering it.
- *Be selective.* Select one or two points on which to critique and fully develop these points.
- *Start with a positive comment.* People tend to be more open to constructive criticism if they hear it after being reassured of their “worth.” In every performance, there is something that can be praised.
- *Be specific.* Relate your critique to specific events in the student’s performance... To do this well, you need to take accurate, detailed notes during the performance.
- *Be constructive.* If you offer negative feedback, don’t just criticize but suggest alternatives of what the person could have done differently. Focus your critique on an area you think the student will be able to improve.
- *Be succinct.* Get to the point of your critique. Don’t ramble on.
- *Be honest.* Your job is not to be popular, but to help the student improve. Tell it like it is, but be supportive. Note what was done well, but only if it was done well.
- *Take responsibility for your critique.* Present the critique in the first person (“I think...”; “In my experience...”; “I think the practice is...”). Avoid presenting points of critique as universal principles unless, of course, they are.
- *Critique the performance, not the person.* Do not be judgmental or sarcastic. Tell the person what you saw or heard and the effect it had on you. Don’t just label it as “good” or “bad.”
- *Make the student a partner in the critique.* Ask questions: “What were you trying to achieve?”; “What do you think went wrong?”; “What alternative approaches might you have tried?”
- *Teach by example.* A critique is a performance unto itself. People learn as much or more from how we say things as from what we say. Incorporate good communication skills into your critique. Use eye contact. Listen intently. Use gestures. Put emphasis in your voice. Be adaptable. Speak in plain English.

See **ROY STUCKEY, ET AL., BEST PRACTICE FOR LEGAL EDUCATION** 176 (Clinical Legal Education Association 2007) (citing **RALPH M. CAGLE, GUIDE FOR EVALUATORS, IN HESS AND FRIEDLAND, TECHNIQUES FOR TEACHING LAW** 311-12 (Carolina Academic Press 1999)).

APPENDIX B

The Fair Labor Standards Act and Law Student

Externs

This summary was drafted for the use of externship placement sites by representatives of all of Minnesota's law schools.

Each of the law schools' externship programs is designed to extend the students' academic study by providing the students the opportunity to apply the knowledge they learn in the classroom to real world settings. Field supervisors should recognize that because the students are receiving academic law school credits for their hours at the placement site, the field supervisors need to follow the guidelines set by the individual schools to ensure that the students are receiving supervision and critical feedback, and are engaged in field activities that further the students' learning.

Private Law Firm Placements: The three law schools require that any private law firm that serves as a placement site not bill the firm's clients for a student's time or supervision time.

Each law school will take the responsibility to ensure that its students are informed of the following:

- The externship is for the student's benefit to gain legal educational experience and training.
- The student is receiving law school credits for the externship and is responsible for following through on the academic and administrative requirements set by the student's law school in order to receive credits for the externship.
- As an extern, a student is not an employee of the placement site. While the student may be paid, the student is not eligible for any benefits and is not necessarily entitled to a job with the placement site at the end of the student's externship.

If the externship placement site has any questions regarding this information, please contact the respective administrator or faculty who worked with you on setting up the externship.

Resources:

U.S. Department of Labor, Wages and Hours Division, Fact Sheet #71

<https://www.dol.gov/agencies/whd/fact-sheets/71-flsa-internships>