

## **Faculty Supervisor Guide for Independent Residencies**

### **I. Introduction**

Thank you for agreeing to be a faculty supervisor for a student's Independent Residency. Residencies give students at MHSL the opportunity to earn academic credit for an immersion experience of 30-40 hours per week doing legal work in private law firms, corporations, government agencies, and other settings. The student's supervision is divided between the onsite site supervisor and the faculty supervisor, each of whom serves a different function in the student's overall learning experience.

- The **site supervisor** helps the student design a set of practice-based experiences that will further the student's learning goals; provides the student with appropriate supervision and constructive feedback on the student's legal work; and provides opportunities for observation and de-briefing of the work that lawyers do.
- The **faculty supervisor** helps the student reflect on the lawyering experiences the student is having or observing; helps the student tie the student's experiences in the world of practice to larger questions of legal or public policy; and provides an important link between the law school and the field placement site.

### **II. Goals and Objectives of the MHSL Residency Program**

The Residency Program shares the objectives for the MHSL externship program, which include:

- Developing students' ability to be self-directed and reflective practitioners;
- Promoting a sense of professional responsibility in students;
- Giving students greater insight into the workings of the legal system;
- Supporting students in their exploration of career choice through practice in a specific substantive area or broad category of lawyering;
- Training students in lawyering skills, which may include research and writing, client interviewing and counseling, advocating in court or other settings, marshalling and analyzing facts and documentary evidence, critical reflection, effective oral communication, collaboration/team work, negotiation and problem solving, and other lawyering tasks; and
- Assisting students in networking for future job searches and professional development.

The academic component of the Independent Residency substitutes for the classroom component that accompanies Externship and Residency courses, and should be designed to meet similar goals. These goals include: (1) helping the student use self-reflection to broaden and generalize the lessons they are learning from immersion in a practice setting; (2) helping the student reflect on the law, the legal system, and public policy; and (3) providing a regular opportunity for informal faculty interaction with externship students to facilitate communication about any potential problems at the placement site.

### **III. Expectations of Faculty Supervisors**

There are three main responsibilities for faculty supervisors, which are directly related to the three supervisory functions and goals stated above. The faculty supervisor (1) receives and reads all reflective writing assignments that are part of the program; (2) helps the student design and implement an

academic component to explore issue(s) of law or public policy during the student's semester; and (3) maintains regular contact with the student throughout the semester.

### **Role in Student Reflective Assignments**

Independent Residency students are responsible for several assignments during the course of the semester. Students will submit these assignments to you. You will have a formal opportunity to read and discuss the student's mid-semester self-evaluation during your mid-semester meeting (described below). We also encourage you to incorporate discussion of other reflective writing into the periodic contact you have with students during the semester.

#### Student Learning Goals (weeks 1-2 of semester)

Students are required to develop personal goals and planned activities for their externships and discuss them with their site supervisors. Site supervisors can assist students in determining whether the goals are realistic and how to meet their goals.  
(see Appendix A).

#### Ethics Assignment (weeks 1-2 of semester)

Students are required to discuss with their site supervisors any policies on confidentiality and conflicts of interests at their workplaces and to write a 1-3 page memorandum about their understanding of these ethical requirements. Site supervisors can assist students in understanding these important ethical rules and how they apply in different practice settings (see Appendix B).

#### Mid-Semester Evaluation (submitted to faculty supervisor and site supervisor)

Students are required to complete mid-semester evaluations of their own work prior to scheduling mid-semester meetings with their site supervisors and faculty supervisors. These meetings, for which the students must prepare, are designed to allow for a review of the original externship goals and a general "check-in" for students, site supervisors, and faculty supervisors relative to any constructive changes that should occur in the second half of the externship. The students' preparation and participation in these meetings are designed to help students internalize the skill of being supervised (See Appendix C).

Site supervisors also complete a mid-semester Fundamental Lawyering Skills Rubric, which helps identify any issues in the Independent Residency (see Appendix D).

#### Final Evaluation (submitted to faculty supervisor only)

Students are required to submit a final self-evaluation form reflecting on their experience and assessing the learning goals they were able to complete (See Appendix C).

Site supervisors also complete a final evaluation of the students' work by again completing a Fundamental Lawyering Skills Rubric (see Appendix D). The rubric allows MHLS to assess a student's performance in the externship and will be helpful in the future if mentors are asked to provide job recommendations for their student externs.

## Academic Component

During the course of the semester, you are encouraged to assign short written reflective writing assignments at certain points in the semester, e. g. weekly or biweekly journal entries. Instead of weekly journal entries, some faculty supervisors have found 2-3 more substantive reflective writing assignments to be beneficial to the practice of reflective lawyering by the student. While you may assign a student to write on any topic that you choose, a list of possible topics is attached to this guide for your reference (see Appendix E).

In addition to the reflective writing, students work with their faculty supervisors to design and implement an academic component that will help them explore larger issues in law or public policy that are of special interest to them and that are connected to the experiences they will be having at their placement site. This additional academic work might take the form of a research paper, but it is not intended to serve as instruction in legal writing, nor is it designed to meet the student's upper-level writing requirement. In fact, it need not involve writing at all. For example, some faculty members who have supervised extended externship placements have helped the students design a series of readings for discussion, or suggested that the student and faculty member read and discuss chapters of a book over the course of the semester.

The main point of the academic component is to help the student integrate theory into their practice experience. Ideally, the academic component should expose them to reading or research from others that helps put their field experience into a larger context.

Even though it is not designed to be as intensive as an independent study, students are expected to be thoughtful and to plan the academic component of their Independent Residency in advance. As part of the Independent Residency application, students are required to describe the academic component and represent that you have discussed it with them and approve the academic part of their plan.

## Regular Contact and Contemporaneous Opportunities for Reflection

The ABA has replaced its requirement for "periodic site visits" with a requirement that there be "regular contact between the faculty supervisor or law school administrator and the site supervisor to assure the quality of the student educational experience, including the appropriateness of the supervision and the student work." In addition, the school must provide contemporaneous "opportunities for student reflection on their field placement experience, through a seminar, regularly scheduled tutorials, or other means of guided reflection."

We implement these requirements, in part, through the contact that the faculty supervisor has with the student and the site supervisor during the course of the Independent Residency. The Externship Director will provide the initial contact with the site supervisor in the process of approving the site for an Independent Residency placement. The proposed site supervisor will be provided with the Site Supervisor Guide and have an in-person, telephone, or other remote conversation to ensure that they understand the educational goals of the program and our expectations regarding the student's on-site supervision and assigned work. However, during the semester, you will often be in the best position to identify any problems that are arising at the site. You can do this in three ways.

- **Contact with the site supervisor:** At the beginning of the semester, you should contact the site supervisor by email or phone to identify yourself as the faculty supervisor for the student and a point of contact for any concerns or questions about the student's work.

- **Mid-Semester Meeting:** At the mid-semester point, the student is responsible for setting up a meeting with the student's site supervisor and with you. If the student is being compensated for fieldwork, the student is responsible to organize and you are responsible to attend, at a mutually convenient time, a mid-semester meeting among the student, site supervisor and yourself to review progress toward, re-assess, and adjust the student's learning goals. The meeting must be in-person unless one or more parties is in a remote location, in which case the meeting may be held using telephone or video conferencing technology. A mid-semester check-in with site supervisors of unpaid student externships is also a good idea, but it can be more informal. In any case, the meeting is an opportunity for everyone to check in, see how the placement is going, and re-assess the student's educational goals. Prior to the mid-semester meeting, both the student and the site supervisor will fill out evaluations of the student's work. The student is instructed to submit the self-evaluation to the faculty supervisor and site supervisor, while the site supervisor is encouraged to share the evaluation with the student.

Your function at this meeting is to help the student and site supervisor evaluate the student's progress toward the student's learning goals and to renegotiate those goals if appropriate. You will also help facilitate general feedback on how the student is doing. If you know or sense that either the student or the site supervisor is dissatisfied with the way the placement is going, you should meet with the student ahead of time to discuss how to handle the issue at the mid-semester meeting.

- **Regular Contact with the Student:** You should schedule an initial meeting with the student at the beginning of the semester and 2-3 "check-in" meetings (in addition to the mid-semester evaluation meeting) to see how things are going. These meetings can be in person or by phone or other remote means. You can use these informal check-in meetings to discuss things the student has written about in the reflective writing assignments, the work that the student has done at the placement site, and the readings or project that forms the academic component of the Independent Residency.

It is our experience that these in-person (or verbal) meetings are the most likely venue in which to find out about problems at the placement site, which students are often reluctant to reduce to writing. Should such issues come up, you should discuss with the student how the student wants to approach or address them. Part of the learning experience we want the students to have is figuring out how to raise and discuss workplace issues professionally. However, if there is a serious issue regarding conditions at the placement site, unethical behavior on the part of the site supervisor, or unethical behavior or irresponsibility on the part of the student, you should involve the Externship Director, the Vice Dean for Academic Affairs, and/or Dean of Students in figuring out how to address it.

#### **Faculty and Staff Contact Information**

Professor Erica Strohl  
Externship Director  
[erica.strohl@mitchellhamline.edu](mailto:erica.strohl@mitchellhamline.edu)

Meghan Sjolund  
Administrative Coordinator  
[meghan.sjolund@mitchellhamline.edu](mailto:meghan.sjolund@mitchellhamline.edu)

651-290-6463

## APPENDICES

APPENDIX A – Learning Goals Exercise (Student Assignment)

APPENDIX B – Ethics Memorandum (Student Assignment)

APPENDIX C – Student Mid-Semester and Final Evaluation (FYI only)

APPENDIX D – Site supervisor Mid-Semester and Final Evaluation (FYI only)

APPENDIX E – Suggested Topics for Reflective Writing Assignments

## **APPENDIX A - Independent Residency Learning Goals Exercise**

Articulating goals is an important step for an Independent Residency student because you take such an active role in shaping the educational experience. The process of goal-setting has been divided into three steps to help you set goals and hone them to your particular legal practice setting. Your learning goals are not carved in stone; we expect them to change over time. The process of setting goals at the beginning of your experience, revisiting them later, and examining how and why they have changed over time can help you get the most out of your experience.

### **Step One**

Create a document in which you list three learning goals you have for your Independent Residency and the specific activities or experiences that will help you achieve each goal. Be as specific as possible in listing the activities you plan to use to meet each goal.

#### For Example:

Goal 1: Improve my legal research skills

Step 1: Ask my supervisor for a specifically research-oriented assignment also involving writing.

Step 2: Make a research plan—which secondary sources to start with, brainstorm search terms, think about when to stop researching and start writing.

Step 3: Don't procrastinate—start two weeks ahead of assignment due date and make a task list for each day of what I plan to accomplish.

Goal 2: Decide if direct client service is what I want to do for my career

Step 1: Ask to sit in on client interviews and debrief the interviews with the attorney.

Step 2: Ask 2-3 attorneys in the office how they got their jobs and how they like them. Ask them out for lunch.

Step 3: Ask an attorney for a file from a particularly memorable case, see what steps were involved in the representation, and discuss the case with the attorney.

### **Step Two**

Discuss your learning goals with your site supervisor. Find out whether they think your goals are realistic, whether your proposed activities and experiences are possible at this work site or within the timeframe of your residency, and whether they would suggest any additional activities or experiences to help you meet your goals. This meeting should be completed during weeks 1 or 2 of the semester.

### **Step Three**

Submit a 1-2 page Goal-Setting Memorandum to your faculty supervisor. In this memorandum, describe how and why you chose your goals, how the initial meeting with your mentor went, and any changes you have made to your goals as a result of that meeting. Submit this memorandum by the end of the second week of your Independent Residency.

## **APPENDIX B - Independent Residency Ethics Memorandum Assignment**

When introducing an outsider into a legal workplace, ethical issues are always a concern. Attorneys have a professional responsibility to ensure that all employees comply with the professional obligations and fiduciary duties. This assignment is designed to help you re-familiarize yourself with the professional rules and ethical requirements that might apply to your conduct in your Independent Residency placement and to ensure your understanding of and compliance with those obligations.

### **Step One**

Locate the rules of professional conduct that govern in the jurisdiction where of your residency placement. If you are in Minnesota, these are the [Minnesota Rules of Professional Conduct](#). If your residency is out of state, find the rules of your jurisdiction. Look through the rules and note any state-specific confidentiality rules, exceptions, rules governing conflicts of interest, or other rules that you think might apply to the work at your placement site. For example, if the placement represents organizations, look carefully at the rule regarding organizational clients. If you will be working in a prosecutor's office, look at the rules governing communications with represented and unrepresented persons. Make a note of any questions you want to bring up with your site supervisor.

### **Step Two**

Within the first two weeks of the semester, discuss with your site supervisor any workplace policies that pertain to your ethical conduct at the placement. Be sure to find out:

- if there are any special disclosures you need to make about prior employment before beginning legal work in your setting;
- if there are any matters in your residency site from which you will need to be screened based on your personal affiliations or other past or current employment;
- what the limits are on sharing information you learn in your residency with others, including friends, relatives, other students, on social media, and with your Independent Residency faculty supervisor;
- what kind of record you are required or permitted to keep about your work at the residency site to facilitate conflict-checking in future employment.

**This discussion should be completed before the end of the second week of the semester and ordinarily will be a part of the same first-week meeting in which you discuss your learning goals.**

### **Step Three**

Submit a 1-3 page Ethics Memorandum to your faculty supervisory by the end of week 2 of your Independent Residency in which you explain your understanding of the ethical requirements and workplace policies. Address at least the following questions:

1. **Confidentiality:** What kinds of information are covered by confidentiality requirements in your residency workplace? What precautions must you take in discussing your work with friends,

relatives, other students, on social media, and with your classroom instructor and Independent Residency faculty supervisor in discussions or reflective writing assignments?

2. **Conflicts of Interest:** What kinds of other work might cause conflicts of interest in this workplace setting? What kinds of work might you do in this residency that might cause conflicts of interest to arise in future employment? What steps must or can you take to identify current and future conflicts of interest?
3. **Other Ethical Issues:** Are there any other professional ethical issues that you can foresee arising in your residency placement? If so, what will you do to address them if and when they arise?



## APPENDIX C - Independent Residency Student Self-Evaluation

Each student should complete this self-evaluation at the midpoint and the end of the Independent Residency and submit it as follows: (1) For the mid-semester self-evaluation, submit to your faculty supervisor and site supervisor; and (2) for the final evaluation, submit to your faculty supervisor only.

**Note: At mid-semester, schedule a meeting with your site supervisor and faculty supervisor to discuss your self-evaluation.**

1. What work assignments have allowed you to develop Fundamental Lawyering Skills listed on the next page? What Fundamental Lawyering Skills have been developed and in what ways?

2. What Fundamental Lawyering Skills are the most challenging for you?

3. What is needed in order for you to have the opportunity to work on developing those Fundamental Lawyering Skills?

4. Review the Learning Goals that you developed at the start of your Independent Residency. Evaluate your progress toward those goals; include any changes or clarifications to your Learning Goals and additional steps you plan to take to achieve your goals.

5. How can your Site Supervisor and Faculty Supervisor support you in achieving your Learning Goals or developing your Fundamental Lawyering Skills?

**Fundamental Lawyering Skills**

|                                                                                                               |
|---------------------------------------------------------------------------------------------------------------|
| Skill 1 – Problem Solving                                                                                     |
| A lawyer must be able to develop and evaluate strategies for solving a problem or accomplishing an objective. |
| Skill 2 – Legal Analysis                                                                                      |
| A lawyer must be able to analyze and apply legal rules and principles.                                        |
| Skill 3 – Legal Research                                                                                      |
| A lawyer must be able to identify legal issues and research them thoroughly and efficiently.                  |
| Skill 4 – Factual Research                                                                                    |
| A lawyer must be able to plan, direct, and (where applicable) participate in factual investigation.           |
| Skill 5 – Communication                                                                                       |
| A lawyer must be able to communicate effectively, whether orally or in writing.                               |

|                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------|
| Skill 6 – Client Counseling                                                                                         |
| A lawyer must be able to counsel clients about decisions or courses of action.                                      |
| Skill 7 – Negotiation                                                                                               |
| A lawyer must be able to negotiate in either a dispute-resolution or transactional context.                         |
| Skill 8 – Strategic Planning                                                                                        |
| A lawyer must understand the potential functions and consequences of litigation and alternative dispute resolution. |
| Skill 9 – Organization and Management of Work                                                                       |
| A lawyer must be familiar with the skills and concepts required for efficient management.                           |
| Skill 10 – Ethical Analysis and Conduct                                                                             |
| A lawyer must follow ethical standards when representing clients.                                                   |

# APPENDIX D - Independent Residency

## Mitchell Hamline School of Law

Student Extern: \_\_\_\_\_  
 Site Supervisor: \_\_\_\_\_  
 DATE: \_\_\_\_\_

### Fundamental Lawyering Skills Rubric<sup>1</sup>

- To be completed by the Site Supervisor at the mid-point and again at the end of the Independent Residency.

| <b>MacGrate Skill 1 - Problem Solving</b>                                                                     |                                       |                                  |                                    |                                       |  |
|---------------------------------------------------------------------------------------------------------------|---------------------------------------|----------------------------------|------------------------------------|---------------------------------------|--|
| A lawyer must be able to develop and evaluate strategies for solving a problem or accomplishing an objective. |                                       |                                  |                                    |                                       |  |
| Resident displays ability to:                                                                                 |                                       |                                  |                                    |                                       |  |
| <b>Identify and diagnose problems.</b>                                                                        | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |  |
| <b>Generate alternative solutions and strategies.</b>                                                         | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |  |
| <b>Develop a plan of action.</b>                                                                              | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |  |
| <b>Implement the plan.</b>                                                                                    | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |  |
| <b>Keep the planning process open to new information.</b>                                                     | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |  |
| <b>Comments:</b>                                                                                              |                                       |                                  |                                    |                                       |  |

<sup>1</sup> Based on the Report of the ABA Task Force on Law Schools and the Profession: Narrowing the Gap (The MacGrate Report) 1992. Do not use without permission.

# APPENDIX D - Independent Residency

## Mitchell Hamline School of Law

| MacGrate Skill 2 - Legal Analysis                                      |                                       |                                  |                                    |                                       |
|------------------------------------------------------------------------|---------------------------------------|----------------------------------|------------------------------------|---------------------------------------|
| A lawyer must be able to analyze and apply legal rules and principles. |                                       |                                  |                                    |                                       |
| Resident displays ability to:                                          |                                       |                                  |                                    |                                       |
| Identify and formulate legal issues.                                   | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |
| Formulate relevant legal theories.                                     | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |
| Elaborate legal theories.                                              | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |
| Evaluate legal theories.                                               | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |
| Criticize and synthesize legal argumentation.                          | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |
| Comments:                                                              |                                       |                                  |                                    |                                       |

# APPENDIX D - Independent Residency

## Mitchell Hamline School of Law

| MacGrate Skill 3 - Legal Research                                                                   |                                       |                                  |                                    |                                       |
|-----------------------------------------------------------------------------------------------------|---------------------------------------|----------------------------------|------------------------------------|---------------------------------------|
| A lawyer must be able to identify legal issues and research them thoroughly and efficiently.        |                                       |                                  |                                    |                                       |
| Resident displays:                                                                                  |                                       |                                  |                                    |                                       |
| Knowledge of the nature of legal rules and institutions.                                            | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |
| Knowledge of and ability to use the most fundamental tools of legal research.                       | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |
| Understanding of the process of devising and implementing a coherent and effective research design. | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |
| Comments:                                                                                           |                                       |                                  |                                    |                                       |

## APPENDIX D - Independent Residency Mitchell Hamline School of Law

| MacGrate Skill 4 - Factual Research                                                                 |                                       |                                  |                                    |                                       |
|-----------------------------------------------------------------------------------------------------|---------------------------------------|----------------------------------|------------------------------------|---------------------------------------|
| A lawyer must be able to plan, direct, and (where applicable) participate in factual investigation. |                                       |                                  |                                    |                                       |
| Resident displays ability to:                                                                       |                                       |                                  |                                    |                                       |
| Determine the need for factual investigation.                                                       | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |
| Plan a factual investigation.                                                                       | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |
| Implement the investigative strategy.                                                               | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |
| Memorialize and organize information in an accessible form.                                         | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |
| Decide whether to conclude the process of fact-finding.                                             | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |
| Evaluate the information that has been gathered.                                                    | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |
| Comments:                                                                                           |                                       |                                  |                                    |                                       |

# APPENDIX D - Independent Residency

## Mitchell Hamline School of Law

| <b>MacGrate Skill 5a - Communication</b>                                                                |                                       |                                  |                                    |                                       |
|---------------------------------------------------------------------------------------------------------|---------------------------------------|----------------------------------|------------------------------------|---------------------------------------|
| <b>A lawyer must be able to communicate effectively in writing.</b>                                     |                                       |                                  |                                    |                                       |
| <b>Resident displays ability to:</b>                                                                    |                                       |                                  |                                    |                                       |
| <b>Assess the perspective of the recipient of the communication.</b>                                    | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |
| <b>Accurately describe pertinent authority and underlying policy considerations.</b>                    | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |
| <b>Synthesize authority and policy into legal rules applicable to fact situation.</b>                   | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |
| <b>Persuasively present facts.</b>                                                                      | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |
| <b>Persuasively analogize to favorable legal authority and distinguish unfavorable legal authority.</b> | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |
| <b>Comments:</b>                                                                                        |                                       |                                  |                                    |                                       |

## APPENDIX D - Independent Residency

### Mitchell Hamline School of Law

| <b>MacGrate Skill 5b - Communication</b>                                      |                                       |                                  |                                    |                                       |
|-------------------------------------------------------------------------------|---------------------------------------|----------------------------------|------------------------------------|---------------------------------------|
| A lawyer must be able to communicate effectively through oral presentation.   |                                       |                                  |                                    |                                       |
| Resident displays ability to:                                                 |                                       |                                  |                                    |                                       |
| Assess the perspective of the recipient of the communication.                 | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |
| Accurately describe pertinent authority and underlying policy considerations. | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |
| Convey credibility and conviction.                                            | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |
| Effectively use voice, gestures, and eye contact.                             | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |
| Respond appropriately to questions.                                           | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |
| Comments:                                                                     |                                       |                                  |                                    |                                       |



# APPENDIX D - Independent Residency

## Mitchell Hamline School of Law

| <b>MacGrate Skill 6 - Client Counseling</b>                                                        |                                       |                                  |                                    |                                       |
|----------------------------------------------------------------------------------------------------|---------------------------------------|----------------------------------|------------------------------------|---------------------------------------|
| <b>A lawyer must be able to counsel clients about decisions or courses of action.</b>              |                                       |                                  |                                    |                                       |
| <b>Resident displays ability to:</b>                                                               |                                       |                                  |                                    |                                       |
| <b>Establish a counseling relationship that respects the nature and bounds of a lawyer's role.</b> | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |
| <b>Gather information relevant to the decision to be made.</b>                                     | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |
| <b>Analyze the decision to be made.</b>                                                            | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |
| <b>Counsel the client about the decision to be made.</b>                                           | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |
| <b>Ascertain the client's decision.</b>                                                            | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |
| <b>Comments:</b>                                                                                   |                                       |                                  |                                    |                                       |

# **APPENDIX D - Independent Residency** **Mitchell Hamline School of Law**

| <b>MacGrate Skill 7 - Negotiation</b>                                                                                          |                                       |                                  |                                    |                                       |
|--------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|----------------------------------|------------------------------------|---------------------------------------|
| <b>A lawyer must be able to negotiate in either a dispute-resolution or transactional context.</b>                             |                                       |                                  |                                    |                                       |
| <b>Resident displays ability to:</b>                                                                                           |                                       |                                  |                                    |                                       |
| <b>Prepare for negotiation.</b>                                                                                                | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |
| <b>Conduct a negotiation session.</b>                                                                                          | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |
| <b>Counsel the client about the terms obtained from the other side in the negotiation and implement the client's decision.</b> | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |
| <b>Comments:</b>                                                                                                               |                                       |                                  |                                    |                                       |

## APPENDIX D - Independent Residency

### Mitchell Hamline School of Law

| MacGrate Skill 8 - Strategic Planning                                                                               |                                       |                                  |                                    |                                       |
|---------------------------------------------------------------------------------------------------------------------|---------------------------------------|----------------------------------|------------------------------------|---------------------------------------|
| A lawyer must understand the potential functions and consequences of litigation and alternative dispute resolution. |                                       |                                  |                                    |                                       |
| <b>Resident displays knowledge of the fundamentals of:</b>                                                          |                                       |                                  |                                    |                                       |
| <b>Litigation at the trial-court level.</b>                                                                         | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |
| <b>Litigation at the appellate level.</b>                                                                           | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |
| <b>Advocacy in administrative and executive forums.</b>                                                             | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |
| <b>Proceedings in other dispute-resolution forums.</b>                                                              | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |
| <b>Comments:</b>                                                                                                    |                                       |                                  |                                    |                                       |
|                                                                                                                     |                                       |                                  |                                    |                                       |

## APPENDIX D - Independent Residency Mitchell Hamline School of Law

| <b>MacGrate Skill 9 - Organization and Management of Work</b>                                                 |                                       |                                  |                                    |                                       |
|---------------------------------------------------------------------------------------------------------------|---------------------------------------|----------------------------------|------------------------------------|---------------------------------------|
| <b>A lawyer must be familiar with the skills and concepts required for efficient management.</b>              |                                       |                                  |                                    |                                       |
| <b>Resident displays ability to:</b>                                                                          | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |
| <b>Formulate goals and principles for effective practice management.</b>                                      | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |
| <b>Develop systems and procedures to ensure that time, effort, and resources are allocated efficiently.</b>   | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |
| <b>Develop systems and procedures to ensure that work is performed and completed at the appropriate time.</b> | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |
| <b>Develop systems and procedures for effectively working with other people.</b>                              | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |
| <b>Develop systems and procedures for efficiently administering a law office.</b>                             | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |
| <b>Comments:</b>                                                                                              |                                       |                                  |                                    |                                       |

# APPENDIX D - Independent Residency

## Mitchell Hamline School of Law

| MacCrate Skill 10 - Ethical Analysis and Conduct                  |                                       |                                  |                                    |                                       |
|-------------------------------------------------------------------|---------------------------------------|----------------------------------|------------------------------------|---------------------------------------|
| A lawyer must follow ethical standards when representing clients. |                                       |                                  |                                    |                                       |
| Resident displays knowledge of:                                   |                                       |                                  |                                    |                                       |
| The nature and sources of ethical standards.                      | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |
| The means by which ethical standards are enforced.                | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |
| The processes for recognizing and resolving ethical dilemmas.     | <input type="checkbox"/> Consistently | <input type="checkbox"/> Usually | <input type="checkbox"/> Sometimes | <input type="checkbox"/> Not Observed |
| Comments:                                                         |                                       |                                  |                                    |                                       |

**APPENDIX E - Independent Residency Reflective Writing Assignments**

**Suggested Topics (general):**

- 1) Describe an interaction that you have had a chance to observe between a lawyer and a client, either in your office or elsewhere. What did the lawyer do (or fail to do) to treat the client respectfully? How effectively did the lawyer communicate with the client? What did the lawyer do to make the communication particularly effective (or ineffective)? What lessons can you take from this interaction about effective ways to treat clients?
- 2) Describe the office you are working in. How many people work there? How do lawyers interact with each other? How do they interact with non-lawyers with whom they work? What do you like about this office culture and/or what makes you apprehensive? Is this a kind of office in which you would like to work? Why or why not?
- 3) Describe an event that challenged assumptions you had about the justice system. What assumption did you have about the way the justice system worked? Where do you think those assumptions came from? What happened in this event that has called those assumptions into question? Do you think the event is typical or atypical of the way the justice system generally works?
- 4) Describe your aspirations about work-life balance as a lawyer. How many hours a day or week do you want or expect to work? How challenging do you expect the job of a lawyer to be? What do you observe about the quality of life of the attorneys in your work setting? In what ways do you want to emulate/avoid the lifestyles you see?
- 5) Describe a difficult situation that you had to handle in your Independent Residency. What was the situation and what made it difficult? How did you choose to respond? Did you get a satisfactory result? If so, why? If not, what could you have done differently?
- 6) Describe an effective piece of advocacy (an argument in court, a negotiation, a discussion with a client, etc.) that you have had a chance to observe. What made it effective? What lessons can you take from this piece of advocacy about what it means to be a good lawyer?
- 7) Describe an event of effective problem-solving that you have had a chance to observe. What made it effective? What lessons can you take from this piece of advocacy about what it means to be a good lawyer?

**Specific to Criminal Law Residency**

- 1) Describe your reasons for choosing an Independent Residency in criminal law. Do you come to the residency with aspirations to work as a public defender or prosecutor? If so, which were you inclined to do prior to this residency? Did you end up in a placement that aligns with your preferences? Has your experience strengthened your preference or weakened it? Why?
- 2) Describe your impressions of criminal court. How do you see defendants being treated by the court, by their lawyers, by others? Do you see victims of crime in court? If so, how are they being treated? Do you think their interests are being adequately represented? Why or why not?