

# Guidelines with Commentary for the Evaluation of Legal Externship Programs

J.P. Ogilvy\*

## TABLE OF CONTENTS

I. INTRODUCTION .....	155
II. HISTORY AND IMPORTANCE OF EXTERNSHIPS .....	158
III. GUIDELINES FOR THE EVALUATION OF LEGAL EXTERNSHIP PROGRAMS .....	160
GLOSSARY .....	179
LEGAL EXTERNSHIP BIBLIOGRAPHY .....	182

### I. INTRODUCTION

This Article is part of a larger project to create a set of guidelines, with commentary, for the evaluation of clinical legal education programs. The Externship Guidelines (“Guidelines”) are published here with the hope and expectation that the legal education community will read, analyze, and comment on them. As a result of that input, subsequent drafts of the Guidelines should reflect a broad consensus among legal educators with respect to the standards for good legal externship programs and a methodology for evaluating legal externship programs. It also is anticipated that working on guidelines in the discrete area of legal externships will inform and improve the standards and guidelines for the broader project clinical legal education generally.

These Guidelines grow out of previous work on guidelines for clinical legal education developed by several other sources. They are the direct descendant of the work of clinical educators between 1995 and 1998 under the auspices of the Clinical Legal Education Association (“CLEA”) and the Association of American Law Schools Section on Clinical Legal Education (“Section”). These Guidelines on externships also have been influenced, to a lesser extent, by the work of two other bodies: the Committee on the Future of the In-House Clinic<sup>1</sup> and the joint AALS-ABA Committee on Guidelines for Clinical Legal

---

\*. Associate Professor and Coordinator of Clinical Programs, Columbus School of Law, The Catholic University of America. This Article was supported in part by a faculty summer research grant.

1. Robert Dinerstein, Introduction, *Report of the Committee on the Future of the In-House Clinic*, 42 J. LEGAL EDUC. 508 (1992) (describing a committee of the AALS Section on Clinical Legal Education that was active between 1986 and 1991); *see id.* at 508-10 for a description of the process.

Education.<sup>2</sup>

The CLEA—AALS Clinical Section Joint Task Force on Clinical Standards was initiated in 1995 by the President of CLEA, Jane H. Aiken, then teaching at South Carolina University School of Law.<sup>3</sup> Professor Aiken created a committee to consider the feasibility of creating clinical standards and asked Professor Roy Stuckey, also at South Carolina, to draft some standards for clinical programs that might serve as a starting point for the newly appointed committee.<sup>4</sup> Professor Stuckey delivered his rough draft on May 18, 1995.<sup>5</sup> The document was titled *Indicia of Quality Project*.<sup>6</sup> Professor Mark Heyrman of University of Chicago School of Law volunteered to facilitate the work of the new committee. Using Professor Stuckey's *Indicia of Quality Project* paper as a foundation, Professor Heyrman and Professor Robert Seibel, then at Cornell Law School, prepared a discussion paper that was distributed at a 1995 luncheon meeting of the Midwest Clinical Teachers Conference sponsored by the CLEA.<sup>7</sup> More than fifty clinicians participated in the meeting, and it ended with a list of nine points around which there was a general consensus.<sup>8</sup>

On the evening of October 14, 1995, a smaller working group met and agreed to work toward creating guidelines, if not standards, with the principal, if unstated, goal being "to get more resources for clinical education."<sup>9</sup> The group also sought to create a vision for what clinical education would be like in five years and resolved that the committee would meet again in San Antonio, Texas at the 1996 AALS Annual Meeting.<sup>10</sup>

In January 1996, about a dozen members of the committee met in San Antonio and agreed to prepare a preliminary outline of guidelines in time for the 1996 AALS Conference on Clinical Legal Education in Miami.<sup>11</sup> The

---

2. ASS'N OF AM. LAW SCH.-AM. BAR, ASS'N COMM. ON GUIDELINES FOR CLINICAL LEGAL EDUC., GUIDELINES FOR CLINICAL LEGAL EDUCATION (1980).

3. See Letter from Roy T. Stuckey, University of South Carolina School of Law, to Jane Aiken, University of South Carolina School of Law (May 18, 1995) (on file with author).

4. See *id.*

5. *Id.*

6. Enclosure in letter from Roy T. Stuckey, University of South Carolina School of Law, to Jane Aiken, University of South Carolina School of Law (May 18, 1995) (on file with author).

7. Mark J. Heyrman & Robert F. Seibel, Discussion Paper for The Midwest Clinical Teachers Conference (Oct. 13, 1995) (unpublished, on file with author).

8. Memorandum from Mark J. Heyrman, Clinical Legal Education Association, to Clinical Standards Working Group (Nov. 14, 1995) (on file with the author).

9. *Id.* at 3.

10. *Id.*

11. E-mail from Mark Heyrman, University of Chicago School of Law, to Roy Stuckey, University of South Carolina School of Law (Jan. 9, 1996) (on file with author).

working group divided the project into five areas: faculty; program of instruction; evaluation/self-study; administration/resources; and role of the clinic in the community.<sup>12</sup> Each area was to be the responsibility of one or more volunteering participants present in San Antonio and others from the larger working group membership who were to be assigned to an area. Only three documents were ever produced.<sup>13</sup> The project languished until May 1997, when Vanessa Merton of Pace University Law School volunteered to revive the project and sent a memorandum to a list of persons “who previously ha[d] indicated some interest in the CLEA Standards Project.”<sup>14</sup> Professor Merton proposed an organizational scheme for restarting the project calling for each subgroup to produce a draft of at least one substantive standard before the 1998 AALS Annual Meeting.<sup>15</sup> The memorandum also proposed a meeting of the working group at the 1997 AALS Workshop on Clinical Legal Education in Dallas, Texas in June.<sup>16</sup> Between April and July of 1998, two subgroups of the working group submitted drafts to Professor Merton.<sup>17</sup> Then the project again fell quiet.

In early 1999, I proposed to Professor Merton that I try to resuscitate the project, not as a committee undertaking, but as an individual effort. My idea was that it might be easier to get a draft prepared for comment with one person working on it rather than trying to manage the project as a committee endeavor. Once a draft was prepared, the entire clinical community and other interested persons could build on the draft and, ultimately, arrive at a consensus as to

---

12. *Id.*

13. The subcommittee on Clinical Faculty (Roy Stuckey, Sally Frank, Mary Jo Eyster, and Suzanne Levitt) produced a preliminary discussion outline. Memorandum from Roy Stuckey, University of South Carolina School of Law, to Sally Frank, Mary Jo Eyster, and Suzanne Levitt (Jan. 15, 1996) (on file with author); e-mail from Mary Jo Eyster, Brooklyn Law School, to Roy Stuckey, Sally Frank, and Suzanne Levitt (Jan. 16, 1996) (on file with author); e-mail from Suzanne Levitt, Southern Illinois University School of Law, to Roy Stuckey, Mary Jo Eyster, and Sally Frank (Jan. 16, 1996) (on file with author). Stacy Caplow and Peter Joy also drafted a paper, Statement of Good Practices Relating to Clinical Educators (undated) (unpublished paper on file with author); Nina Tarr and Sandy Ogilvy exchanged e-mail on the topic of evaluation. E-mail from Sandy Ogilvy, Columbus School of Law, The Catholic University of America, to Nina Tarr, Washburn University School of Law (Feb. 2, 1996) (on file with author); e-mail from Nina Tarr to Sandy Ogilvy (undated) (on file with author).

14. Memorandum from Vanessa Merton, Pace University School of Law, to People who previously have indicated some interest in the CLEA Standards Project (May 1, 1997) (on file with author).

15. *Id.* at 2.

16. *Id.*

17. Robert Dinerstein, Support for Clinical Scholarship (Apr. 5, 1998) (unpublished paper, on file with author); Sally Frank, CLEA Standards Committee Curriculum—Classroom Component (undated) (unpublished paper, on file with author).

guidelines. I presented my first draft of Guidelines for the Evaluation of Clinical Legal Education Programs to groups of clinicians in 2000 at the Mid-Atlantic Clinical Theory Workshop at Washington College of Law, American University, and later that fall at the Clinical Theory Workshop at New York Law School. Revisions have been made since those presentations to incorporate comments and the results of additional analysis.

These Guidelines on Externships form the most complete section of the larger project and are presented here for analysis and comment as a self-contained unit. I expect, however, that the comments received will also inform my work on the broader set of Guidelines. The Guidelines on Externships are derived from a variety of sources including, principally, my own experiences in coordinating a large externship program at Columbus School of Law, The Catholic University of America for the past eleven years. I identify, through the use of footnotes, when other sources suggest the same or similar guidelines as those presented here for legal externships.<sup>18</sup>

## II. HISTORY AND IMPORTANCE OF EXTERNSHIPS<sup>19</sup>

Most American lawyers were trained by *reading the law* in the offices of lawyers through the first few decades of the 19th century. Legal education involved years of apprentice-like training in a law office. Although the first American law school was founded in the 1780s, it was designed to provide apprenticeship experience to groups rather than to teach law to individuals in a university setting.

By 1830, university training of lawyers was beginning to push aside the apprenticeship model. In the university, legal training consisted of the study of treatises and lectures until the 1870s, when Dean Langdell at Harvard introduced the method of analyzing appellate case decisions. The case method

---

18. See Ellen Porter Honnet & Susan J. Poulsen, *Principles of Good Practice for Combining Service and Learning*, at [http://www.servicelearning.org/library/online\\_documents/good\\_practice.html](http://www.servicelearning.org/library/online_documents/good_practice.html) (last visited Mar. 26, 2003) [hereinafter *Service Learning*]; ALLIANCE FOR SERVICE-LEARNING IN EDUC. REFORM, STANDARDS OF QUALITY FOR SCHOOL-BASED AND COMMUNITY-BASED SERVICE-LEARNING (Mar. 1995) [hereinafter *STANDARDS OF QUALITY*] (on file with author); Nat'l Soc'y for Experiential Educ. (NSEE), Standards Document (Oct. 1998) [hereinafter *Standards Document*] (on file with author) (unpublished discussion draft distributed at the 1998 national conference of the NSEE in Norfolk, VA); Nat'l Soc'y for Experiential Educ., *A Checklist for Creating High Quality Education* (Oct. 1998) [hereinafter *Checklist*] (on file with author) (unpublished document adapted from the NSEE document, *Strengthening Experiential Education within Your Institution*, and distributed at the 1998 national conference of the NSEE in Norfolk, VA).

19. This section other than minor changes is reprinted from *LEARNING FROM PRACTICE: A PROFESSIONAL DEVELOPMENT TEXT FOR LEGAL EXTERNS*, J. P. OGILVY et al. (1998) with permission of the West Group.

of instruction became and remains the dominant method of instruction in American law schools. It was not until the late 1960s and early 1970s that many law schools began to create clinical legal education programs, which put practical training for law students back into the educational model. Spurred by grants from the Ford Foundation, law schools began to create legal aid and defender clinics and other in-house, live-client clinics to provide practical training to law students and service to indigent clients.

One report on clinical legal education described the method of teaching this way: “[S]tudents are confronted with problem situations of the sort that lawyers confront in practice; the students deal with the problem in role; the students are required to interact with others in attempts to identify and solve the problem; and . . . the student performance is subjected to intensive critical review.”<sup>20</sup>

In live-client, in-house clinics, the “problem” may involve real situations rather than simulated ones and the supervision and review of the students’ work is undertaken by clinical teachers rather than by practitioners outside the law school.

In-house, live-client clinics, to a greater or lesser degree, tend to pursue several teaching goals: (1) developing modes of planning and analysis for dealing with unstructured situations; (2) providing professional skills instruction; (3) teaching means of learning from experience; (4) instructing students in professional responsibility; (5) exposing students to the demands and methods of acting in role; (6) providing opportunities for collaborative learning; (7) imparting the obligation for service to indigent clients, information about how to engage in such representation, and knowledge concerning the impact of the legal system on poor people; (8) providing the opportunity for examining the impact of legal doctrine in real life and providing a laboratory in which students and faculty study particular areas of law; and (9) critiquing the capacities and limitations of lawyers and the legal system.<sup>21</sup>

As the student demand for relevant, practical legal training grew, additional resources were diverted from traditional legal education to in-house, live-client clinics. Because clinical teaching requires a higher teacher to student ratio, law school administrators felt the squeeze of responding to increased demand with limited resources. Many schools responded by increasing the opportunities for students to gain some form of clinical experience through externships.

Externships also confront students with problem situations of the sort that lawyers confront in practice, and students may deal with some of these

---

20. *Report of the Committee on the Future of the In-House Clinic*, 42 J. LEGAL EDUC. 511, 511 (1992).

21. *Id.* at 512-16.

problems in role. Where student performance is subject to intensive critical review, the critique usually is performed by the fieldwork supervisor on particular projects. The faculty supervisor, rather than acting as a coach on discrete tasks performed at the externship, is more likely to guide the student through the process of reflecting on the fieldwork experience.

Externships share many of the teaching goals of in-house, live-client clinics. Some high credit-hour, closely supervised externships closely resemble in-house, live-client clinics. In most externship programs, however, students are given far less responsibility for client representation than is available through an in-house clinic. On the other hand, externships may provide students with unparalleled opportunities to define and pursue learning goals, to explore career interests in a variety of legal jobs, and to build a professional network.

Through the externship program, the innovative teaching methodology of clinical education helps to reclaim the benefits of the apprenticeship programs of the last century and assists the student in learning how to apply the knowledge acquired in the classroom.

### III. GUIDELINES FOR THE EVALUATION OF LEGAL EXTERNSHIP PROGRAMS

#### 1.0. EXTERNSHIPS

1.1. Does the externship program have articulated curricular goals, policies, and procedures that are clear and consistent with the law school's mission, location, curriculum, the students' perceived interests and needs, and the placement sites' requirements?<sup>22</sup>

1.1.1. Are the program goals translated into measurable outcomes?<sup>23</sup>

1.1.2. Does the program disseminate to all potential students and placements the goals, benefits, eligibility criteria, application procedures, and other policies for the program?<sup>24</sup>

#### *Commentary*

Externships, also called internships or fieldwork placements, involve law students receiving academic credit for work typically done outside of the law school, with the work supervised by someone at the placement site who is not a member of the law school faculty. Some programs place limits on the nature of the placement or of the work. For example, a program may limit externships to government or public interest placements or to pro bono work if the placement is at a private law office. Other programs permit placements at a

---

22. Checklist, *supra* note 18, at 1; STANDARDS OF QUALITY, *supra* note 18, at 5.

23. Checklist, *supra* note 18, at 1.

24. *Id.*

wide range of workplaces. These decisions should be made by the individual law school taking into account the law school's specific mission, location, and curricular needs.

Although the primary objective of most externship programs is the enhancement of the student's learning through experience *in situ*, the program also may have other institutional goals. For instance, the law school may want the externship program to forge partnerships with individuals and organizations that are potential employers of the school's graduates; it may conceive of the externship program as one means of providing legal services to the community in which it is located; and it may see the externship program as an aspect of the curriculum to feature in recruiting prospective students. With respect to general student learning goals, the program may identify helping students to learn from experience, fostering professionalism, and encouraging reflection on the students' future careers as among the goals of the program.

The institutional goals must take account of the reasonable expectations of the placement sites. In small or targeted externship programs, the placement site may be asked to participate in articulating the goals.

The program goals selected by the institution should be translated into measurable outcomes so that the students can determine whether, and to what extent, they are making progress toward achieving the goals and so that the program can evaluate whether the program design is satisfactory. Each outcome defines the criteria that students are to demonstrate in order to meet the intent of the stated outcome. For example, if one general goal for students in the program is for them to demonstrate professional responsibility, the student may be asked to identify and describe the professional expectations within the placement organization and act accordingly. The student may be asked to describe the relationship between the organizational expectations and the relevant professional standards, such as the Rules of Professional Conduct adopted by the jurisdiction in which the organization is located. The student may be asked to provide evidence that the student recognized the broader implications and meaning of the work done by the student at the externship placement.

There are three pillars to a successful externship experience. First, the student must be prepared and motivated to benefit from the experience. Second, the law school must provide support and educational value to the student and support to the fieldwork supervisor. Third, the fieldwork placement must be willing and able to provide the student with the appropriate range and depth of lawyering tasks and with high quality guidance, critique, and feedback through a supervisor motivated and capable of providing these.

For an externship program to benefit the most students, the program goals, objectives, benefits, eligibility criteria, and application procedures must be widely and frequently disseminated to all potential students and placements. In

addition, the program should articulate and communicate the respective responsibilities within the externship program of the student extern, faculty supervisor, placement, and fieldwork supervisor. There must be regular and meaningful communication among the parties intended to ensure that the goals of each party are met by the relationship.

1.2. Are the program's design, structure, and resources congruent with the program's goals?<sup>25</sup>

1.2.1. Does the structure and implementation of the program add substantial value to the student's educational experience beyond what would be gained by students in the same placements if the law school did not participate?

1.2.2. Does the program clearly articulate and communicate to each student, faculty supervisor, placement, and fieldwork supervisor the respective responsibilities of each party in the externship relationship?<sup>26</sup>

1.2.3. Does the program promote regular communication among the student, faculty supervisor, and fieldwork supervisor sufficient to facilitate the goals of each party?

1.2.4. Does the program have an effective method of assuring that the placement decision, whether made by the program, the student, or jointly, is made after appropriate consideration of relevant factors such as the student's individual learning goals, previous fieldwork experiences, work environment at the placement, nature of tasks available, etc.?<sup>27</sup>

1.2.5. Does the program prepare each student for effective task performance and learning at the placement prior to beginning the externship through a pre-placement workshop, seminar, or equivalent device?<sup>28</sup>

1.2.6. Does the program require each placement site to conduct an orientation to the culture, structure, environment, policies, available resources, and other relevant information about the placement that will help the student acclimate to the experience?<sup>29</sup>

1.2.7. Does the program require each student to show proof of adequate health and accident insurance as appropriate to the

---

25. Checklist, *supra* note 18, at 1.

26. Service Learning, *supra* note 18.

27. See Checklist, *supra* note 18, at 1.

28. *Id.* at 2.

29. *Id.*

placement.<sup>30</sup>

1.2.8. Does the law school or placement site provide professional malpractice insurance to the student as necessary?<sup>31</sup>

1.2.9. Does the program or student extern communicate to the placement and the fieldwork supervisor the learning goals, skills, and need for accommodation, if any, of the extern before the student begins work at the placement?

1.2.10. Does the program include structured opportunities for students to reflect critically on their placement experiences through, for example, a contemporaneous seminar or system of faculty tutorials within which faculty and students explore topics related to the educational goals of the program and student and to the fieldwork experiences of the student?<sup>32</sup>

1.2.10.1. Does the program maintain a student/faculty ratio of 16 to 1 or lower in the seminar component?

1.2.10.2. Does the program maintain a student/faculty ratio of 10 to 1 or lower when faculty supervision is done by tutorial meetings?

1.2.11. Does the program have adequate human and financial resources to accomplish its goals?

1.2.11.1. Does the program have sufficient administrative support given its size and mission?

1.2.11.2. Is the program's budget adequate to support its mission?

### *Commentary*

To justify tuition charges and the award of course credit for an externship placement experience, the law school is obligated to provide value added to the student's experience at the placement. The value commonly is supplied by providing structured preparation for the placement experience and structured reflection on the placement experience through discussion, writing, reading, and guided observation.<sup>33</sup>

The law school must have an effective method for assuring that the placement decision, whether made by the program, the student, or jointly, is made after careful consideration of all relevant factors such as the student's individual learning goals, the program's goals, the student's previous fieldwork experiences and general level of preparation for the experience, the work

---

30. *Id.*

31. *Id.*

32. Service Learning, *supra* note 18.

33. See STANDARDS OF QUALITY, *supra* note 18, at 4; Service Learning, *supra* note 18, at 1.

environment at the placement, including the presence of a qualified fieldwork supervisor, the nature and appropriateness of the tasks available to the student, the nature and appropriateness of the supervision, and logistical considerations such as the time available to the student for work at the placement in light of other academic and personal commitments, safety concerns, and travel considerations.

If the program makes the placement assignment or makes it in consultation with the student, it needs a mechanism by which to collect and analyze the data about the student and prospective placement so that it is confident the placement match will achieve most of the articulated program and individual student goals.

If the student makes the placement decision, the program needs a mechanism in place for reviewing the appropriateness of the decision, both at the outset of the placement and, periodically, throughout the term of placement.

To benefit most from a placement experience, each student should be prepared prior to beginning the placement to work effectively at the placement and to learn from the experience. Prior to approving a placement, the program should assess the student's motivation and other factors such as prior experience and prior coursework to ensure that the student has the tools necessary to succeed at the placement. Depending upon the level of sophistication of the student and the nature of the tasks the student will be asked to perform at the placement, some form of pre-placement orientation usually is advisable. At a minimum, the law school should ensure that each student is given an orientation to the placement, by the placement or by the program itself, that provides the student with fundamental knowledge the student needs to negotiate the placement. The student should be provided with information on the culture, structure, work environment, policies, and available resources of the placement site.

In addition, the student should be given some instruction in how best to learn from the experiences the student is likely to have at the placement. Frequently, instruction of this sort is provided in a seminar that is offered contemporaneously with the fieldwork experience, but better practice would ensure that the student already has self-directed learning skills or is given some instruction in self-directed learning before the student begins the fieldwork. The remainder of the seminar can be used to reinforce the skills and for other purposes.

Good practice dictates that the learning goals and objectives of the student and the student's skill levels be communicated to the placement prior to the placement's acceptance of the student as an extern, or as soon thereafter as is practicable. This information may be shared with the placement through a pre-engagement interview between the prospective extern and the placement. Students should be encouraged to have such an interview with the prospective

placement even when it is not required by the placement. In the absence of a pre-placement interview or other communication, such as an application letter and résumé, the program can require the student to share with the fieldwork supervisor a copy of a written individualized learning plan (“ILP”) developed by the student with the guidance of the faculty supervisor. Even where a pre-engagement interview or other communication between the student and the placement took place, sharing a copy of the written individualized learning plan with the fieldwork supervisor can facilitate the learning of the student and obviate misunderstandings about the opportunities available at the placement for the student to work toward fulfilling the student’s goals and objectives for the externship.

Although a great deal of learning is possible, and likely, from the fieldwork experiences alone, seminar or faculty tutorials should be offered contemporaneously with the fieldwork experience since the reflective component of the externship experience is most useful when it is purposeful and continuous throughout the experience and when an opportunity for feedback from an instructor outside of the placement relationship is provided. In the seminar or tutorial meetings, students and faculty can explore a range of topics related to the educational goals of the program and the student. The seminar or tutorial offers an opportunity for the student to step back from the fieldwork experiences to reflect on the experiences and to process them cognitively and emotionally. When students are asked to think about their own goals and progress in an externship experience, they have the opportunity to improve self-assessment skills that can assist them in better learning from experience. Also, they can acquire insights that assist them to build on their strengths, set goals in areas where further improvement is needed, and refine their career goals.

The appropriate student-faculty ratio for seminars and tutorials depends on a number of factors, including the nature and complexity of instruction and the other workload responsibilities of the instructor. Because seminars and tutorials often are designed as opportunities for students to reflect publicly on their externship experiences, the number of students assigned to each section of the externship program must be limited to allow sufficient time within the seminar or tutorial for each student to be heard on a regular basis. As with most other skills courses, a student-faculty ratio of 16 to 1 in seminars and 10 to 1 in tutorials usually is a reasonable number.

The externship program must be funded adequately to fulfill its mission within the curriculum. A part-time or full-time administrative assistant may be necessary to perform the many administrative tasks associated with the operation of an externship program, including contact with prospective students and placement sites; preparation of correspondence between faculty and students and faculty or program administrator and placements or fieldwork

supervisors; maintenance of informational materials and databases; and maintenance of externship records, to name a few tasks. There must be adequate office space, file storage, computing equipment, and budget for supplies.

- 1.3. Does the program provide students with course credit that is commensurate to the credit given in the rest of the curriculum for comparable expenditures of student effort?<sup>34</sup>

*Commentary*

In order to justify the award of course credit and the receipt of tuition for externship credit hours, the law school must assure itself that it is providing value added to the experience of the student externs at the placement. Otherwise, students are being charged for work done outside of the law school, which, although valuable to the student, has no law school input other than to authorize the student to work at the placement. Course credit for externships should be commensurate with credit given in the rest of the curriculum for comparable expenditures of student effort. Credit for fieldwork frequently is awarded at the rate of one credit-hour for each fifty or sixty hours of time devoted to assigned tasks at the placement during a semester. Additional credit hours for the seminar or tutorial portion of the externship course should be awarded in a manner consistent with credit determinations in seminars generally. The Seibel & Morton survey found that eighty-eight percent of programs require between three and five fieldwork hours per week per credit.<sup>35</sup> These figures translate to fifty-two to eighty hours of fieldwork per semester per credit.

- 1.4. Relationship with placements.

- 1.4.1. Does the program provide appropriate oversight of the experiences each student has at each placement to determine that students are being exposed to authentic and challenging experiences and to appropriate role models and instruction about law practice?<sup>36</sup>

- 1.4.2. Does the program ensure that all fieldwork supervisors have the requisite motivation, training, and support to supervise externs properly?<sup>37</sup>

- 1.4.2.1. Does the program reasonably compensate or otherwise recognize fieldwork supervisors to ensure commitment to the program goals and the educational needs of the student externs

---

34. Checklist, *supra* note 18, at 2.

35. Robert F. Seibel & Linda H. Morton, *Field Placement Programs: Practices, Problems and Possibilities*, 2 CLINICAL L. REV. 413, 428-29 (1996).

36. Checklist, *supra* note 18, at 2; Standards Document, *supra* note 18, at 3.

37. See Standards Document, *supra* note 18, at 4.

under their supervision?<sup>38</sup>

1.4.3. Does the program provide information, in a timely manner, to the placement site and to each fieldwork supervisor regarding the program's expectations of them and their responsibilities to the program and to the students assigned to the placement?

1.4.4. Does the program guarantee that the number of students assigned to each fieldwork supervisor is appropriate to ensure close supervision, feedback, and critique of all tasks assigned to each student?

1.4.5. Does the program monitor placements to ensure that each placement site provides each student with the physical space and materials necessary to perform all assigned tasks?

1.4.6. Does the program monitor placements to ensure that the time commitments demanded of the students by the placements are appropriate and that the placements work with the students to help them fit their externship hours into their academic schedule?<sup>39</sup>

1.4.7. Does the program have procedures in place to facilitate the resolution of any problems among the student, law school, and placement?

1.4.7.1. Are the procedures written and published to all parties?

#### *Commentary*

The appropriate level of law school oversight of placements depends on several factors, the most significant being the nature of student contact with clients. Other factors are also important, including the physical safety of the student externs and the level of instructional responsibility given to the field placement supervisor. Since the level of oversight can be viewed as a continuum, some guidance is appropriate: where a student is permitted to take on client representation responsibilities, the law school should exercise the highest level of oversight with respect to the field placement; where the student work is primarily legal research for the field placement supervisor that is reviewed and independently evaluated before it is used on behalf of clients, a lesser degree of law school oversight is necessary; and where the student is engaged primarily in observation of lawyering activities, the lowest level of oversight is called for. However, even where observation is the primary activity of the student externs, some oversight by the law school is called for to ensure that the externs are not exposed consistently to poor lawyering without a guided reflection and critique of what is being observed.

The program should ensure that all fieldwork supervisors have the requisite training, support and motivation to supervise students properly. In programs

---

38. Service Learning, *supra* note 18.

39. *Id.*

with a limited number of placements, the program may choose to conduct training sessions for its fieldwork supervisors. In programs with a large number of distinct placements, and especially in programs where different placements may be available from semester to semester, it is unlikely that the program can reach all potential fieldwork supervisors with training sessions. Under these circumstances, the best the program can do is to provide information to the fieldwork supervisors about the program's goals, objectives, and expectations and to provide support for the fieldwork supervisors by circulating written materials on the supervisory relationship and by designating a contact person within the program who is available to fieldwork supervisors who desire more information on working effectively with student externs. Written materials can include manuals and tip sheets that highlight the differences between externs and employees, discuss the mentoring role of the fieldwork supervisor, provide tips for selecting projects, highlight the importance of the learning agreement, and review some common problems and their solutions in externships.

The program should monitor the fieldwork placements to ensure that the number of externs assigned to any one supervisor is sufficiently low so as to ensure close supervision, feedback, and critique on all tasks assigned to the student and that the physical resources in terms of space, computers, telephones and other materials needed to perform assigned tasks are available to the student. The program also should monitor placements to ensure that the tasks given each student are assigned, at least in part, with the educational goals of the student in mind. The program should have a mechanism, such as detailed time records filed by the extern with the faculty supervisor, for monitoring the task assignments at each placement to ensure that the tasks given to each extern are appropriate with respect to the skill level of the student and with respect to the goals of the student and of the program. Where assignments are found consistently to be inappropriate, the program should have a developed strategy for correcting the problem.

Monitoring of fieldwork placements may be done in a variety of ways. Although the ABA Standards for the Accreditation of Law Schools exhibit some preference for on-site visits to monitor externships,<sup>40</sup> this frequently is not necessary, or even particularly effective. It is more important that the program administrator impress upon students and fieldwork supervisors alike that the administrator is open to help resolve any problems that arise during the course of the placement experience and to receive and value student evaluations of the placement at the end of each student's involvement.

---

40. AM. BAR ASS'N, STANDARDS FOR ACCREDITATION OF LAW SCHOOLS, Standard 305 (e)(10), (f)(3), available at <http://www.abanet.org/legaled/standards/chapter3.html> (last visited Oct. 7, 2002).

Where the extern is engaged in client representation as permitted by the jurisdiction's student practice rule, heightened monitoring, including on-site visits, may be called for. Even in these circumstances, the level of scrutiny may vary: more when the extern is placed with an inexperienced sole practitioner and less when the student is working in the office of the state's attorney trying misdemeanor cases under the supervision of an experienced assistant state's attorney. The program administrator should assess the need for monitoring each placement on an individual basis taking into account the nature of the tasks that the extern is asked to perform, the level of oversight given to the extern by the fieldwork supervisor, the level of experience the fieldwork supervisor possesses with the tasks to be performed by the extern, and relationship between the program and the fieldwork supervisor.

Each program should develop and use a valid and reliable instrument for a summative evaluation of the placement and fieldwork supervisor by the extern at the conclusion of the placement. Topics included in the instrument should include the extern's assessment of the adequacy of the physical environment; the appropriateness and clarity of assignments (both in terms of relevance to the work of the placement and relevance to the educational goals and objectives of the extern); the nature, extent, and effectiveness of feedback from the fieldwork supervisor; the accessibility of the fieldwork supervisor; unanticipated opportunities for learning; and the appropriateness of the fieldwork supervisor's attitude toward the extern.

Occasionally, substantial changes to a student's placement experience become necessary. The program should have developed policies and procedures that guide the student, faculty supervisor, and fieldwork supervisor when major changes, such as changing placements, are necessary. Students should be made aware of the responsibility and authority of the faculty supervisor to intervene in the relationship between the student and the fieldwork supervisor to preserve the integrity of the program, to safeguard the physical or emotional health of the student, or to ensure the educational value of the experience to the student.

In most programs, the fieldwork supervisors are uncompensated by the program for their supervision of externs. The program should have some mechanism for recognition of the valuable work of the fieldwork supervisors. At a minimum, the program should communicate its appreciation to each fieldwork supervisor at the end of each placement. In small programs, an end-of-year luncheon may be an appropriate way to thank the fieldwork supervisors for their work on behalf of the students and the program.

#### 1.5. Role of the faculty supervisor.

1.5.1. Does the faculty supervisor regularly engage each student, throughout the student's term of enrollment, in a critical evaluation of

the student's fieldwork experience?<sup>41</sup>

1.5.1.1. Does the program have in place policies, procedures, and schedules to analyze each student's progress toward meeting identified learning and performance goals?<sup>42</sup>

1.5.1.2. Does the program receive descriptive feedback on each student's progress from the fieldwork supervisor at least twice during the period of enrollment?<sup>43</sup>

1.5.1.3. Does the program have a mechanism for monitoring task assignments at each placement to ensure that the tasks given to each student are assigned with one purpose being to meet the educational goals of the extern?<sup>44</sup>

1.5.1.4. Does the program specify how substantial changes, including a change of placement site, can be made to the student's placement experience when circumstances require it, without sacrificing learning?

1.5.2. Does the program require each student to identify and memorialize, in an individualized learning plan, realistic goals, objectives, and outcomes for the experience?<sup>45</sup>

1.5.2.1. Does the program require each student to consult with his or her faculty supervisor in drafting the student's learning objectives for the externship?

1.5.2.2. Does the program require each student to consult with his or her fieldwork supervisor in drafting the student's learning objectives for the externship?

1.5.2.3. Does the program require each student to submit to the student's fieldwork supervisor a copy of the final draft individualized learning plan?

1.5.2.4. Does the program have a policy and procedures for encouraging the student to make changes to the individualized learning plan in order to accommodate changing circumstances or changes in expectations by the student or the placement?<sup>46</sup>

1.5.2.5. Does the program have established baselines and

---

41. Checklist, *supra* note 18, at 2.

42. Standards Document, *supra* note 18, at 4.

43. *See id.*

44. *Id.*

45. Checklist, *supra* note 18, at 1-2. *See generally* Jane H. Aiken et al., *The Learning Contract in Legal Education*, 44 MD. L. REV. 1047 (1985) (discussing the use of Individual Learning Plans in legal education).

46. Checklist, *supra* note 18, at 1; Standards Document, *supra* note 18, at 6.

benchmarks against which to measure student progress?<sup>47</sup>

1.5.2.6. Does the program employ multiple tools and strategies to obtain the most effective and reliable data on progress toward goals?<sup>48</sup>

1.5.2.6.1. Is data clear, measurable, and related to the tasks and initial or modified goals of the student?<sup>49</sup>

1.5.2.6.2. Does the data include evaluation of non-confidential student work product?

1.5.2.7. Does the evaluation process document and value unanticipated outcomes?

1.5.3. Does the program have policies in place that ensure accuracy, reliability, validity, and fairness in grading, if grading is part of the evaluation process?<sup>50</sup>

1.5.4. Does the law school give faculty teaching-load credit for teaching or supervising externships commensurate with the instructional responsibilities of other full-time faculty in relation to the number of students served and the number of credit hours granted?

#### *Commentary*

To ensure that the externship program is providing educational value to the student, the program should require each student to identify goals, objectives, and realistic outcomes for the student's experience. The program should have developed baselines and benchmarks against which to measure student progress in meeting identified goals and objectives, and the method of assessment of progress should be appropriate to the item being measured. The student should have the primary responsibility for monitoring and assessment of progress toward meeting the goals and objectives set forth in the student's individualized learning plan. The data used to measure progress toward initial or modified goals should include, as appropriate, review and evaluation of all non-confidential student work product, self-evaluation surveys, and written and oral communications from the fieldwork supervisor to the student and faculty supervisor.

The faculty supervisor should assist each student to draft the student's individualized learning plan to ensure that the goals and objectives identified by the student for his or her externship are appropriate within the context of the course and with respect to the placement.

The fieldwork supervisor should be involved with the student extern in drafting the student's individualized learning plan because it is the

---

47. Standards Document, *supra* note 18, at 5.

48. *Id.*

49. *Id.*

50. *Id.* at 6.

responsibility of the fieldwork supervisor to see that the extern has a reasonable opportunity to fulfill the student's stated objectives. The program may wish to require the student to submit to the faculty supervisor a copy of the completed individualized learning plan that has been annotated or initialed by the fieldwork supervisor.

The evaluation process also should be designed to document and value unanticipated outcomes. Because the full range of learning cannot be known or anticipated prior to beginning the field placement, the program's method of assessment of student learning should be able to recognize and value learning that was not included in the student's initial statement of goals and objectives.

Each extern should be engaged, throughout the term of enrollment in an externship placement, by a faculty supervisor in a critical evaluation of the extern's fieldwork experience. The engagement may occur through any combination of seminar, tutorial, and written reflection. Common devices for faculty/student interaction include structured or unstructured academic journals, critical incident reports or logs, reflective papers, progress reports, time records, portfolios, individual conferences, group conferences, telephone conferences, e-mail exchanges, and site visits. The faculty/student ratio must be sufficiently low to ensure that the faculty member has the time and other resources necessary to devote an appropriate amount of attention to each extern that the faculty member supervises.

If a seminar is part of the supervisory mix, enrollment should be limited to no more than sixteen students in order to give each student sufficient supervisor attention and opportunity to participate in the seminar, especially where student presentations are part of the course design. Seminars should be designed to advance self-directed learning by the student. The faculty supervisor has the role of facilitator or consultant rather than content transmitter. Where individual tutorial meetings form the principal basis for faculty supervision of externships, a student/faculty ratio of no more than 10 to 1 is appropriate, where externship supervision is only part of the course load of the faculty member.

Evaluation of the content and delivery of the seminar or tutorial portion of the course should be conducted at least as frequently and in the same manner as other courses in the curriculum. Where general course evaluations are not done or are inadequate, programs should develop valid and reliable student evaluations, peer evaluations, and review by expert consultants.

At least twice during the semester, the faculty supervisor should review with the extern the student's progress toward meeting the program goals and student's individual goals. The program should require and facilitate each extern's reflection on the experiences gained through the placement for the purposes of facilitating learning about learning from experience, improving performance on the type of tasks required at the placement, and thinking about

career choices.

Grading externship experiences can be problematic because of the limited ability and authority of the faculty supervisor to observe and evaluate the work of the extern at the placement and because of the disparity of tasks and responsibilities among students, especially those placed in a wide variety of placements. For this reason, if the externship is graded on a numerical or letter system, frequently only the seminar or tutorial portion is graded, using the usual assessment indicia, such as evaluation of written work, oral presentations, attendance, and contribution. The fieldwork portion of the course is commonly graded on a pass/fail basis, which is assessed by evaluating whether the extern completed the required number of hours of fieldwork and whether the work was satisfactorily completed. A certificate from the fieldwork supervisor is commonly used to obtain the data regarding hours completed and satisfactory completion of work.

#### 1.6. Student extern responsibilities.

1.6.1. Is the student asked to articulate the specific learning or knowledge that the student intends to demonstrate, apply, or have as a result of the placement experience?<sup>51</sup>

1.6.2. Is the student asked to justify pursuit of the particular externship placement experience as opposed to another approach to learning the same skills or knowledge?<sup>52</sup>

1.6.3. Is the student required by the program to identify specific objectives, tasks, activities, and other learning activities to be pursued at the placement, prior to beginning the fieldwork?

1.6.4. Is the student required to articulate an appreciation for skills, values, and self-awareness necessary to be prepared for the placement experience?<sup>53</sup>

1.6.5. Is there evidence that the student understands the time commitment necessary for successful completion of the externship experience?<sup>54</sup>

1.6.6. Is the student required to articulate standards by which the student intends to demonstrate achievement of personal learning objectives?<sup>55</sup>

1.6.7. Is the student required to acknowledge the need for and plan for

---

51. *Id.* at 2.

52. Standards Document, *supra* note 18, at 2.

53. *Id.*

54. *Id.*

55. *Id.*

reflection?<sup>56</sup>

1.6.8. Is the student required to share some of the student's reflections with others to enhance the others' effectiveness?<sup>57</sup>

1.6.9. Is the student required to agree to be responsible throughout all stages of the fieldwork experience and to participate actively in his or her own learning?<sup>58</sup>

1.6.10. Does the program ask the student to provide evidence that the student sought additional learning opportunities, activities, or training to make the fieldwork experience more meaningful or successful?<sup>59</sup>

1.6.11. Does the program ask for evidence that the student sought feedback from the fieldwork supervisor?<sup>60</sup>

1.6.12. Does the program ask for evidence that the student routinely self monitored his or her activities?<sup>61</sup>

1.6.13. Does the program ask for evidence that the student changed goals, objectives, or tasks as necessary to achieve successful learning from the fieldwork experience?

1.6.14. Does the program require the student to document, in an accessible manner, the learning he or she achieved from the fieldwork experience?<sup>62</sup>

1.6.15. Does the program require the student to submit a plan for further learning that draws on the results of the fieldwork experience?

#### *Commentary*

An externship program should require of student participants certain acknowledgments of responsibility for successful completion of the fieldwork placement experience and specific evidence and documentation of learning activities and outcomes.

Before engaging in the externship, a student should consider whether the learning outcomes sought by the fieldwork experience might be achieved through another approach to learning, such as a classroom or live-client clinic experience, and, if so, the advantages and disadvantages of each approach. In order for the student to evaluate the appropriate learning method or mode, the student must have a clear and articulated set of learning objectives in mind. The student also should have identified, with some precision, the tasks and other learning activities to be pursued at the placement that are intended to

56. *Id.* at 3.

57. Standards Document, *supra* note 18, at 3.

58. *Id.*

59. *Id.* at 4.

60. *Id.* at 5.

61. *Id.*

62. Standards Document, *supra* note 18, at 6.

achieve the chosen learning objectives and outcomes.

Before engaging in the fieldwork placement, the student should appreciate the skills, values, self-awareness, and commitment of time that are necessary for successful negotiation of the specific placement experience. The program is responsible for guiding the student through this reflective process, documenting the outcome of the process, and, where necessary, guiding the student away from an inappropriate placement or preparing the student for the placement by helping the student to obtain the skills and self-awareness necessary for a successful experience at the chosen placement.

In order for the student and program to document learning outcomes from the fieldwork experience, the program should require the student to articulate standards by which the student intends to demonstrate achievement of the student's personal learning objectives.

Since reflection on the fieldwork experiences is necessary for learning, the program should require the student to acknowledge the need for reflection and to plan for periodic reflection. The student may be guided in using the tools of reflection such as logs, journals, presentations and other devices that require articulation of the reflective process. Since some of the results of the student's reflection may benefit not only the student's own learning but also that of others in the program, such as fellow students, the faculty supervisor, and the fieldwork supervisor, the program should require the student to share some of his or her reflections in an appropriate forum and manner, such as in a seminar or in oral or written evaluations.

In every externship, learning to learn from experience is a central element. Therefore, the program should ask the student to agree to be responsible throughout all stages of the fieldwork experience, to participate actively in his or her own learning, and routinely self monitor his or her activities. To encourage the student to get the most from the experience, the program should ask the student, at the commencement of the fieldwork placement, to provide evidence throughout, or at least at the end of the experience, that the student sought additional learning opportunities, activities, or training to make the fieldwork experience more meaningful or successful. The program also should ask for evidence from the student and from the fieldwork supervisor that the student sought (and was given) appropriate feedback from the fieldwork supervisor.

Frequently, a student may find that his or her goals and objectives change in the midst of the experience or that the tasks thought to be available no longer are. Under those circumstances, it may be appropriate for the student to revise his or her list of goals, objectives, or tasks. The program should acknowledge this possibility, explicitly ask the student to identify when he or she made adjustments in response to changes in circumstances, and require evidence of the reflection that occurred when the change of plans was made.

The program also should ask the student to document the learning that he or she achieved from the fieldwork placement. The documentation should be readily understandable to the faculty supervisor and fieldwork supervisor and should track the student's original and revised goals, objectives, and standards for evaluation as well as account for unanticipated learning.

The program should assist the student in extending his or her learning from the fieldwork experience by requiring the student to submit a plan for further learning. The plan should identify a new set of goals, objectives, tasks and learning environments that build on the learning outcomes achieved in the externship.

- 1.7. Does the program have a mechanism for self evaluation?
  - 1.7.1. Does program self evaluation include evaluation by students of the program?
  - 1.7.2. Does the law school solicit evaluation of the program from placements and fieldwork supervisors?
  - 1.7.3. Does the law school solicit evaluation of the program from former students?
  - 1.7.4. Does self evaluation of the program include regular review by the full-time faculty with respect to whether the program is meeting its educational goals?
  
- 1.8. Does the law school have evidence to demonstrate that the results of programmatic self evaluation have led to improvements to the program over time?
  
- 1.9. Does the program have a system in place for evaluating placements and fieldwork supervisors?<sup>63</sup>
  - 1.9.1. Does the system include a valid and reliable instrument for a summative student evaluation of the placement and fieldwork supervisor?
  - 1.9.2. Does the system use site visits when appropriate?
  
- 1.10. Does the program conduct regular evaluations of coursework done in connection with fieldwork?
  - 1.10.1. Do course evaluations include valid and reliable student evaluations, peer evaluations, and, when appropriate, reviews by outside experts?

*Commentary*

Since all learning programs can benefit from systematic evaluation, the

---

63. Checklist, *supra* note 18, at 1.

program should have a developed plan for self evaluation that includes the solicitation of evaluation from students, fieldwork supervisors, former students, and other stakeholders in the externship program. The program also should be reviewed from time to time by the full-time faculty using the same mechanisms that are used to assess other aspects of the curriculum. The purpose of each type of review is to determine whether the program is meeting its educational goals and whether modifications of the program are called for in light of experience. An assessment should include "detailed documentation of program components and processes, the outcomes identified by, and expected of, all participants . . . and the impact of the program on individual participants."<sup>64</sup> A well-planned evaluation invites students to consider the value of their externship work in the context of their academic pursuits and vocational aspirations. Current students should be asked to comment on such topics as the quality of the program's support for externships, the quality of their preparation for externships, and the quality of support provided by the placement and fieldwork supervisor. Former students, more than five years after graduation, may offer a different perspective on the program that is informed by their subsequent professional experiences.

Site visits by program personnel to placement sites may be an appropriate tool for program evaluation. Site visits, properly conducted, may serve as vehicles for monitoring student and fieldwork supervisor performance. In addition, site visits also may serve as opportunities for modeling supervision skills, collaborative teaching, and strengthening ties between the law school and the lawyers and judges in the community who participate in the externship program. The decision to conduct site visits necessarily begins with a consideration of program goals and needs for the visits and the program resources required and available. The program personnel responsible for conducting the site visit should develop a clear plan for a successful site visit. Among the topics for consideration are the following: At what point in the semester will a site visit be most productive? Should the student extern be present during the site visit? What preparation for the site visit should be required of the fieldwork supervisor and other persons at the placement site? What topics should be discussed during the site visit? How can the faculty supervisor use the site visit to enhance the fieldwork supervisor's understanding of the goals and objectives of the externship program? How can the faculty supervisor use the site visit to deepen and broaden the learning that takes place at the placement site? How can the faculty supervisor enhance the fieldwork supervisor's supervisory skills, if necessary, and ensure that the fieldwork supervisor provides meaningful task assignments, oversight, and feedback to the student extern? How can the faculty supervisor use the site visit

---

64. STANDARDS OF QUALITY, *supra* note 18, at 8.

to assist students to provide meaningful feedback to the fieldwork supervisors? How can the faculty supervisor use the site visit to identify, and, if possible, resolve any problems that may exist at the placement site related to the student's experience? How can the faculty supervisor use the site visit to advance the more general goals of the externship program and the law school?<sup>65</sup>

Site visits should be mandatory in programs where students are responsible for client representation and the program is unfamiliar with the abilities and conscientiousness of the fieldwork supervisor. In other situations, the program should weigh the costs and benefits of conducting site visits in light of all of the parties' goals.

All program reviews conducted after the first instance should look for evidence that the self-evaluation process actually has led to improvements.

---

65. Adopted from Sue Schechter & Cindy Slane, *Making Site Visits Worthwhile: Concurrent Session Outline* (undated, unpublished presentation) (on file with author) for presentation at a conference at Columbus School of Law, The Catholic University of America—*Learning from Practice: Developments in Legal Externship Pedagogy* (Mar. 7, 1998).

## GLOSSARY

**Employee:** A law student who works for an institution for pay. In contrast, a legal extern works for the institution solely for academic credit. Compare Extern and Volunteer.

**Extern:** A law student receiving academic credit for supervised, practical training in a setting, typically, outside of the law school. Also called an Intern. Compare Employee and Volunteer.

**Externship:** The program of study in which a law student earns academic credit for engaging in authentic lawyering tasks under the guidance and supervision of an experienced supervisor in an institution outside of the law school. Also called an Internship.

**Faculty Supervisor:** The faculty member responsible for monitoring the externship experience of an extern and for providing the opportunities for the student to reflect on the externship, typically, through a seminar or tutorial meetings. The faculty supervisor also certifies the award of academic credit for the externship experience.

**Faculty Tutorial:** The method of instruction in which a faculty supervisor meets individually or in very small groups with externs in order to facilitate learning from the externship experience.

**Fieldwork Supervisor:** The person at the placement site responsible for assigning tasks, monitoring performance, and providing critique and feedback to the extern. Also called a Mentor.

**Individualized Learning Plan:** A document prepared by the student embarking on an externship that sets out the goals, objectives, and tasks expected to be pursued during the externship. Also called a Learning Agenda or Learning Contract. Typically, the Individualized Learning Plan is drafted by the student with input from both the Faculty Supervisor and Fieldwork Supervisor.

**Intern:** See Extern.

**Internship:** See Externship.

**Journal:** A document in which an extern will record reflections on the externship experience. Journals generally are intended to be read by the faculty supervisor.

**Learning Agenda:** See Individualized Learning Plan.

**Learning Contract:** See Individualized Learning Plan.

**Log:** Contrasted with a Journal, a log is less reflective, often used to record the events from an externship experience for later reflection or to account for time spent on the placement's tasks.

**Mentor:** See Fieldwork Supervisor.

**Placement:** The placement or placement site is the location, usually outside of the law school, where the student extern performs the tasks of the externship experience.

**Portfolio:** A collection of documents produced by an extern during the externship. The contents of the portfolio may form a basis for a portion of the grade for the externship course. The portfolio may contain drafts and final work product, reflective papers, and other writings done at the placement or as coursework.

**Reflective Paper:** An academic exercise that is an extended reflection piece on some aspect of the externship experience.

**Seminar:** The classroom component of an externship course in which the student externs and the faculty supervisor meet and discuss topics related to the externship experiences of the externs.

**Site Visit:** A visit, by the faculty supervisor or externship administrator, to the placement site for the purpose of obtaining in-person knowledge of the work of the extern at the placement as well as the nature and extent of the supervision and the physical conditions and resources available to the extern.

**Summative Evaluation:** The evaluation conducted at the conclusion of the externship or specific period of time. Faculty supervisors and fieldwork supervisors conduct summative evaluations of the student at the conclusion of the extern's placement experience. Students conduct summative evaluations of their placements and of the externship program at the end of their participation. Faculty and other stakeholders conduct summative evaluations of the externship program on a periodic basis.

**Unanticipated Outcomes:** Learning outcomes not anticipated by the student extern when drafting the Individualized Learning Plan. Because experiential

learning is so context specific, there are likely to be many unanticipated outcomes for the extern over the course of the externship. It is important for the externship program to value and credit these and encourage the student participants to recognize them.

**Volunteer:** A student who works in an institution without academic credit, pay, or other compensation. Compare Employee and Extern.

## LEGAL EXTERNSHIP BIBLIOGRAPHY

A selected bibliography of books and articles relating to the design, critique, and pedagogy of legal externships

- Stephen R. Alton, *Mandatory Prelicensure Legal Internship: A Renewed Plea for Its Implementation in Light of the MacCrate Report*, 2 TEX. WESLEYAN L. REV. 115 (1995).
- Kate E. Bloch, *Subjunctive Lawyering and Other Clinical Extern Paradigms*, 3 CLINICAL L. REV. 259 (1997).
- Stacy Caplow, *From Courtroom to Classroom: Creating an Academic Component to Enhance the Skills and Values Learned in a Student Judicial Clerkship Clinic*, 75 NEB. L. REV. 872 (1996).
- Joanne Carter, *Mixed Emotions: A Law Student's Perceptions While Working at a Public Defender's Office*, 2 T. M. COOLEY J. PRAC. & CLINICAL L. 329 (1998).
- REBECCA A. COCHRAN, *JUDICIAL EXTERNSHIPS: THE CLINIC INSIDE THE COURTHOUSE* (2d ed. 1999).
- Liz Ryan Cole, *Lessons from a Semester in Practice*, 1 CLINICAL L. REV. 173 (1994).
- Liz Ryan Cole, *Training the Mentor: Improving the Ability of Legal Experts to Teach Students and New Lawyers*, 19 N.M. L. REV. 163 (1989).
- Robert J. Condlin, *"Tastes Great, Less Filling": The Law School Clinic and Political Critique*, 36 J. LEGAL EDUC. 45 (1986).
- Greg Dantzman, *My Externship Experience at the Public Defender's Office in Ann Arbor*, 2 T.M. COOLEY J. PRAC. & CLINICAL L. 337 (1998).
- Mary Jo Eyster, *Designing and Teaching the Large Externship Clinic*, 5 CLINICAL L. REV. 347 (1999).
- Norman Fell, *Development of a Criminal Law Clinic: A Blended Approach*, 44 CLEV. ST. L. REV. 275 (1996).

- Daniel J. Givelber et al., *Learning Through Work: An Empirical Study of Legal Internship*, 45 J. LEGAL EDUC. 1 (1995).
- Kenny Hegland, *Condlin's Critique of Conventional Clinics: The Case of the Missing Case*, 36 J. LEGAL EDUC. 427 (1986).
- Lawrence K. Hellman, *The Effects of Law Office Work on the Formation of Law Students' Professional Values: Observation, Explanation, Optimization*, 4 GEO. J. LEGAL ETHICS 537 (1991).
- Peter Jaszi et al., *Experience as Text: The History of Externship Pedagogy at the Washington College of Law, American University*, 5 CLINICAL L. REV. 403 (1999).
- Harriet N. Katz, *Personal Journals in Law School Externship Programs: Improving Pedagogy*, 1 T.M. COOLEY J. PRAC. & CLINICAL L. 7 (1997).
- Harriet N. Katz, *Using Faculty Tutorials to Foster Externship Students' Critical Reflection*, 5 CLINICAL L. REV. 437 (1999).
- Neil Kibble, *Reflection and Supervision in Clinical Legal Education: Do Work Placements have a Role in Clinical Legal Education*, 5 INT'L J. LEGAL PROF. 83 (1998).
- Minna J. Kotkin, *Reconsidering Role Assumption in Clinical Education*, 19 N.M. L. REV. 185 (1989).
- Arthur B. LaFrance, *Clinical Education: "To Turn Ideals Into Effective Vision,"* 44 S. CAL. L. REV. 624 (1971).
- Lisa G. Lerman, *Professional and Ethical Issues in Legal Externships: Fostering Commitment to Public Service*, 67 FORDHAM L. REV. 2295 (1999).
- Stephen T. Maher, *Clinical Legal Education in the Age of Unreason*, 40 BUFF. L. REV. 809 (1992).
- Stephen T. Maher, *The Praise of Folly: A Defense of Practice Supervision in Clinical Legal Education*, 69 NEB. L. REV. 537 (1990).
- Meryl Markowitz, *My Experience at the Eaton County Prosecution Office*, 2 T.M. COOLEY J. PRAC. & CLINICAL L. 343 (1998).

- James E. Moliterno, *On the Future of Integration Between Skills and Ethics Teaching: Clinical Legal Education in the Year 2010*, 46 J. LEGAL EDUC. 67 (1996).
- Linda Morton, *Creating a Classroom Component for Field Placement Programs: Enhancing Clinical Goals with Feminist Pedagogy*, 45 ME. L. REV. 19 (1993).
- Linda Morton et al., *Not Quite Grown Up: The Difficulty of Applying an Adult Education Model to Legal Externs*, 5 CLINICAL L. REV. 469 (1999).
- Janet Motley, *Self-Directed Learning and the Out-of-House Placement*, 19 N.M. L. REV. 211 (1989).
- J. P. Ogilvy, *Introduction to the Symposium on Developments in Legal Externship Pedagogy*, 5 CLINICAL L. REV. 337 (1999).
- J. P. Ogilvy, *The Use of Journals in Legal Education: A Tool for Reflection*, 3 CLINICAL L. REV. 55 (1996).
- J. P. OGILVY ET AL., *LEARNING FROM PRACTICE: A PROFESSIONAL DEVELOPMENT TEXT FOR LEGAL EXTERNS* (1998).
- William W. Patton, *Externship Site Inspections: Fitting Well-Rounded Programs into the Four Corners of the ABA Guidelines*, 3 CLINICAL L. REV. 471 (1997).
- William W. Patton, *Law Schools' Duty to Train Children's Advocates: Blueprint for an Inexpensive Experientially Based Juvenile Justice Course*, 45 JUV. & FAM. CT. J. 3 (1994).
- Allen Redlich, *Perceptions of a Clinical Program*, 44 S. CAL. L. REV. 574 (1971).
- Henry Rose, *Legal Externships: Can They Be Valuable Clinical Experiences for Law Students?*, 12 NOVA L. REV. 95 (1987).
- Howard R. Sacks, *Student Fieldwork as a Technique in Educating Students in Professional Responsibility*, 20 J. LEGAL EDUC. 291 (1968).
- Robert F. Seibel & Linda H. Morton, *Field Placement Programs: Practices, Problems and Possibilities*, 2 CLINICAL L. REV. 413 (1996).

Linda F. Smith, *The Judicial Clinic: Theory and Method in a Life Laboratory of Law*, 1993 UTAH L. REV. 429 (1993).

Mark Spiegel, *Theory and Practice in Legal Education: An Essay on Clinical Education*, 34 UCLA L. REV. 577 (1987).

Marc Stickgold, *Exploring the Invisible Curriculum: Clinical Field Work in American Law Schools*, 19 N.M. L. REV. 287 (1989).

Nina W. Tarr, *Current Issues in Clinical Legal Education*, 37 HOW. L.J. 31 (1993).