

**Rutgers The State University of New Jersey
School of Law - Camden**

Externship Program

STUDENT MANUAL
Fall 2007 - Spring 2008

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Welcome to the Externship Program. During the coming year, you will have an opportunity to gain practical experience as an attorney or law clerk, while thinking carefully about what the experience is teaching you about the legal system, the area of law you are working in, and yourself as a lawyer. The learning opportunity is great.

This is an ungraded course. In addition, your primary teachers are working attorneys or judges, who have significant caseloads and responsibilities to clients and to the public. Both of these factors mean that motivation to succeed, to get the most from your Externship experience, will have to come from your own desire to learn.

At school, your responsibility will be expressed by means of setting your own learning goals, writing journals, preparing presentations on your work in seminars and tutorials, and engaging in discussions with the Director or other faculty mentors. At your placement, you will need to be actively alert to getting the feedback you need, and to looking for opportunities that will enhance your externship experience.

This Manual is provided to help you be familiar with the basic rules and requirements of the program, and also with recommendations, based on years of experience, on how to really learn the most from your externship experience.

Course Requirements sets out what you must do to complete and get credit for externship. (The Calendar listing due dates appears separately for easy reference.)

How To Be A Successful Externship Student describes what you should do to make sure your Externship experience meets your goals.

Guidelines For Student Practice highlights the professional rules and law office policies you must be most alert to as a student. In general, this section notes rules you must follow because of your professional role, not because of course requirements.

Educational Goals discusses the goals of the externship program and the role of the supervising attorney or judge in achieving those goals. It is followed by "Learning Goals for Externship Students" which lists and discusses in more detail examples of individualized learning goals for a law student.

The **Appendix** attaches copies of necessary forms. These forms are also online.

I am confident that Externship can be a very positive experience for you.

If you are encountering any problems, or if at any time you do not believe that the experience you are receiving comports with the goals of the Law School or your personal goals, let me know as soon as possible so that we can try to improve the situation. Remember that the benefits to be derived from your placement will, in large measure, be determined by your interest and commitment.

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Table of Contents

<u>General Materials</u>	Page
Summary of Externship Program Academic Year	i & ii
Fall 2007 Semester Calendar	iii
Spring 2008 Semester Calendar	iv
Summary of Course Requirements	1
Planning: Learning Goals Statement and Experience Plan	1
Time Requirements and Reporting	1
Journal	3
Alternative Papers	3
Classes and Individual and Group Meetings with Externship Director or Other Faculty Members	4
Academic Standing Requirements	4
Meeting Expectations of Placement	4
Evaluations and Credit	5
Journal Topics	7
How to be a Successful Externship Student	10
Guidelines for Student Practice	13
General Educational Objectives of the Externship Program	15
Learning Goals for the Externship Student	19
Appendix	
Learning Goals Statement	A
Experience Plan	B
Student's Evaluation of Agency	C
Student's Evaluation of Seminar	D
Agency's Evaluation of Student for <i>Fall Semester</i>	E
Agency's Evaluation of Student for <i>Spring Semester</i>	F
Dated <i>Time Report</i> Forms	

2007-2008 SUMMARY OF EXTERNSHIP PROGRAM SCHEDULE

Introductory Class:Students:

Instructions concerning externship requirements; discussion of supervision and placement issues; sign up for individual conferences.

Thursday, August 23
4:30pm - 6:10pm, Room 106

Learning Goals/Experience Plan Statements:

Students:

Complete and turn in to Director no later than:
Monday, September 17

Individual Conferences with Director:

Students:

By appointment, beginning:
Monday, September 24

Seminars:Students:

A Judicial seminar, and a seminar for students in Criminal or Civil placements will meet separately.

Separate syllabus and dates for each group will be handed out at introductory class.

Journal & Time Report Due Dates:Supervisors:

Fall semester:

Monday, September 17
Monday, October 1
Monday, October 15
Monday, October 29
Monday, November 12
Monday, November 26
Monday, December 3*
*(Or Completion of Fall Hours)

Review and sign *Time Reports*.

Students:

Complete and return *Time Reports* and journals to Director on due dates listed.

Spring semester:

Tuesday, January 22
Monday, February 4
Monday, February 18
Monday, March 3
Monday, March 17
Monday, March 31
Monday, April 14
Monday, April 21 (Or End ofHours)

Student Evaluations:

Fall 2007 semester:

Agency evaluation of students, informal
midterm evaluation, week of ***October 15-19***

Agency evaluation of students,
written, week of ***December 3***

Spring 2008 semester:

Agency evaluation of students, informal
midterm evaluation, week of ***March 10 to
March 14***

Agency evaluation of students, written and
discussed with student by ***April 21***

Supervisors:

Conduct evaluations.
Meet with student to discuss and advise.
Director will call to discuss evaluation with
you.

Agency/Seminar Evaluations:

Student evaluations of experience due at end
of each semester.

Students:

Complete evaluations.

EXTERNSHIP 2007 - 2008 CALENDAR

August 2007

Wednesday, August 22

First Day of Fall Semester

Prior to this date, students will communicate with agency to establish time to begin placement and supervisor to whom to report.

August 27 to September 14

Supervisor will provide orientation.
Student will write *Learning Goals* statement.
Student and supervisor together will write or review *Experience Plan*

Thursday, August 23

Introductory class for **ALL** students
4:30pm - 6:10pm, Room 106
Sign up for individual meetings with the Director.

September 2007

Thursdays

Seminars will begin
See separate syllabus, distributed at Introductory class.

Monday, September 17

***Time Reports* due for period from beginning of semester to September 14.**

Monday, September 17
and continuing

Individual meetings with the Director will be scheduled. Be sure your *Learning Goals/Experience Plan*, *Time Report* and *Journal* are submitted in advance of this meeting.

October 2007

(During October, Professor Katz will call or visit placements to discuss status.)

Monday, October 1

Time Reports due for period from September 17 to September 28

Monday, October 15

Time Reports due for period from October 1 to October 12

Monday, October 29

Time Reports due for period from October 15 to October 26

November/December 2007

Monday, November 12

Time Reports due for period from October 29 to November 9

Monday, November 26

Time Reports due for period from November 12 to November 23

Monday, December 3

Time Reports due for period from November 26 to End of Hours

End of Fall Semester: Friday, November 30, 2007

January, February, March, April 2008

(For two-term placements)

Monday, January 7	First Day of Spring Semester.
Tuesday, January 22	<i>Time Reports</i> due for period from January 7 to January 18
Monday, February 4	<i>Time Reports</i> due for period from January 21 to February 1
Monday, February 18	<i>Time Reports</i> due for period from February 4 to February 15
Monday, March 3	<i>Time Reports</i> due for period from February 18 to February 29
Monday, March 17	<i>Time Reports</i> due for period from March 3 to March 14
Monday, March 31	<i>Time Reports</i> due for period from March 17 to March 28
Monday, April 14	<i>Time Reports</i> due for period from March 31 to April 11
Monday, April 21 or end of hours	<i>Time Reports</i> due for period from April 14 to end of hours.

End of Spring 2008 Semester: Monday, April 21, 2008

COURSE REQUIREMENTS

Planning: Learning Goals Statement and Experience Plan

You are required to write out learning goals within the first two weeks at the placement. You may use the **Learning Goals** form, or type these out separately. You will review this with your field supervisor. You and your supervisor will agree on an **Experience Plan**. Both of these statements will be given to the Director together with your Journal entries in advance of your individual conference with her.

You may find that your placement has a draft of **Experience Plans** that are proposed for all students; nevertheless, look it over and discuss it with your supervisor, and make or suggest revisions, if appropriate to meet your goals.

If you have goals you do not wish to discuss with your supervising attorney, you may comment on these on a separate note to Professor Katz.

The work you do at your placement should be structured primarily for your educational benefit. When you begin a new job as a law clerk or associate, as distinguished from an extern, your role will be to do whatever is needed. In an externship, although you will undoubtedly be providing service, the focus should be on what the institution has to offer you by way of experience. Keep this in mind as you write your goals.

Professor Katz will review your goals in her periodic meetings with you. However, if at any time you do not believe that your experience comports with either the educational goals of the program or your personal goals, please let her know immediately.

The **Experience Plan** helps to ensure that the agency, the student, and the Law School have similar expectations as to the type of activities in which you will be engaged and which you will have an opportunity to observe. Your *Time Reports* also reflect whether you are receiving such experiences.

Time Requirements and Reporting

You will be reporting on your work every two weeks. *Time Reports* are included in your manual. You may use these forms or an equivalent form that you produce in your word processing program. You must complete all sections of the *Time Reports* in reasonable detail. The description "research," for example, is not acceptable nor is a vague description like "telephone call" or "discussed case." Entries on forms should say things like "Researched elements of criminal fraud for Jones case," or "Talked on the telephone with police witness re: testimony at hearings." Unless there is a reason to keep it confidential, please note the name of the case on which you are working. Report hours in half-hour segments. For any work done in a matter, round to the nearest one-half hour. It is important to keep your forms current as you go through each working day. That way you will not have to rely on your memory and be faced with accumulated past-due forms. This is also a habit that will serve you in good stead in practice. Time Reports are submitted on the due date by placing them in the box on the door to Room 407. They are carefully reviewed. Therefore, it is important that you turn them in on a timely basis.

Each student earning three (3) credits is required to spend a minimum of 168 hours on externship activities each semester and no more than a maximum of 210 hours. This total represents 12-15 hours per week for 14 weeks. Most students spend about 12 hours per week at the placement, with additional time on other externship activities.

If you wish to work more, you may consult with your placement supervisor and Professor Katz and arrange to work 16 hours a week and earn 4 credits in one term.

When you work more than the 12-hour minimum, you may credit the additional hours against future shortages that semester. You should, nonetheless, have regularly scheduled hours at your placement which should not be altered unless you have advance permission from your supervising attorney. Supervising attorneys or judges must be able to rely on your being present at specific times.

If you are a two-semester extern, you will begin counting hours over again in January and will ordinarily not count excess hours completed in the Fall term against your time obligation for the Spring. For example, if you work 175 hours in the Fall, you do not have 7 hours done already for the Spring. The goal is to have you actually available to the placement throughout most of the school year, as has been promised, and maximize your exposure to your placement. If you have an unusual situation where this creates a hardship, contact the Director.

If your office will be closed for an official holiday, your required hours do not change, and you should make up the time. You should be able to plan ahead for this situation.

You should be doing work similar to that of other attorneys and clerks. You do not receive credit for hours doing administrative work except to the extent that such work is necessary for or incidental to your own assignment. If your supervisor asks you to answer phones, or to file or copy papers, explain that the school does not count such assignments toward your hourly requirements. Travel time is not counted towards your time requirements.

You may also fulfill your time requirements by observing proceedings in court or observing other lawyers working on their cases (interviewing clients or witnesses, planning strategies, taking depositions, etc.), or by engaging in educational activities related to your externship work, for example, by attending a continuing legal education program sponsored by a Bar Association. For observation of 1 ½ or more hours, you must explain and comment on the observation in your journals by writing comprehensively about what you observed and what you learned.

All meetings with the Externship Director, meetings with your field supervisor, and attendance and preparation for seminars and writing in your journal count toward your hours.

Journal

To encourage your thoughtful responses to the Externship Program and to make your meetings with the Externship Director and with your agency supervisor more meaningful, you are to keep a journal in which you discuss questions, concerns, your reaction to your experience and observations. Entries should be made at least weekly. The journal will provide you with an opportunity to reflect and will serve to pinpoint items for discussion.

Your journal will be submitted to the Director with your Time Reports. It may be returned at your request. Please type your journal entries on a computer both for ease in reading them and for your ease in producing thoughtful notes and reviewing your prior reflections each time you pull up your file.

Your journal should *not* be simply a recitation of your activities at your placement, repeating Time Reports. Rather, it should be a record of what you are thinking and feeling about your experience. Include your questions or insights about lawyers and lawyering generally, about the substantive law, and about your clients.

How much responsibility have you been given, and how well have you responded? For specific activities (or observations) note your (or the attorney you observed) preparation, objectives, alternatives considered, strength and weaknesses of performance and the nature and quality of support or critique offered by your supervisor. What are the lives of your clients like? How has the legal system affected them?

Be curious about the practice setting or chambers where you work. For example, you may be interested in how the office gets involved in a particular case or project the professional satisfactions and difficulties facing lawyers in this setting; competence of the lawyers you observe or with whom you interact; professional responsibility issues in this kind of practice. Additional suggested Journal topics are described in this Manual, following this Section.

Alternative Papers

During the spring term, students who are interested in probing more deeply into a topic they have written about in the fall term journals may choose to write an essay as an alternative to the second semester journals. For example, you may wish to take one case you or your agency have worked on and use it to explore the meaning, success or failure of your placement's mission, or of your own experience at the placement. *If you choose this option, you are required to discuss with me your proposed topic and treatment of the topic by the first journal due date in the spring term or at any prior time. Work-product is not appropriate as an alternative paper.*

Classes and Individual and Group Meetings with Externship Director or Other Faculty Member

You will meet with the Director individually at least once during the first semester. At the introductory class, please be ready to sign up for this meeting, which will be scheduled for the weeks immediately following the first Journal/Time Report due date. The purpose of these meetings is to review your individual goals for your externship and review whether these goals are being met, to be sure that you are receiving challenging and interesting assignments, to assist you by talking about issues, strategies, tactics, and options, and to help you get the most out of your experience by reflecting on it and by putting it in perspective.

You will be notified by separate memo as to your seminar assignment and schedule. In general, after one initial class for all externship students, students will be divided into three groups: civil, criminal, and judicial. Attendance is compulsory. You may be given periodic assignments and readings to be done in conjunction with these sessions.

The Thursday 4:30-6:10 p.m. time slot has been reserved throughout the year for Externship, and these classes will meet at that time (though not every week). Meetings will include other students working at the same or similar placement, and may be with the Director, or with a faculty member or adjunct with relevant expertise or outside speakers from various placements. These classes will provide additional useful information or training, as well as a forum for discussion of your experiences.

Academic Standing Requirements

You must be in good academic standing as defined by the Law School to be eligible to register for the Externship Program or to **continue** in Externship during the Spring semester. At the end of the Fall semester, if you believe you will be falling below this standard, please consult the Director.

Meeting Expectations of the Placement

Within reason, you must keep to the schedule you set so that the agency can rely on you, and you are expected to do your best to accomplish the tasks that are assigned to you. Most of our placement supervisors report that they are very pleased with Rutgers externs. In the rare case where the student is unreliable or irresponsible, the Director will work with the student and the placement to correct the problem, but reserves the right to require the student to withdraw from the program or the placement to avoid causing harm to the work of an agency or chambers.

Evaluations and Credit

Six academic credits will be awarded for the full-year Externship or 3 or 4 credits for one term and will be based upon evaluations submitted by the Externship agency at the end of each semester, your participation in the classroom component, and your compliance with the program's reporting and meeting requirements.

Copies of the evaluation form to be used by each agency are in the **Appendix**. Evaluations are to be submitted at the end of each semester. We have asked that the agency supervisor meet with you prior to submitting your evaluation to discuss your progress. You will also receive copies of the written evaluation. Please let the Director know if you are not afforded the opportunity to discuss your evaluation with your supervisor.

In addition, you will be asked to evaluate your experience at the end of each semester. An evaluation form is included in this Manual. You may use this form or respond to the questions asked in your final Journal of the semester.

JOURNAL TOPICS

Your journal may include your reflections on any topic arising from your externship experience--or renewed or stirred up by your experience. However, many students ask for guidance as to appropriate topics. The questions and issues listed on these pages were developed from previous student journals that were particularly good, as well as from my reflection on what previous students gained from their externship experiences.

As you write, consider what some writers have called "crisscrossing the landscape" – exercise cognitive flexibility by looking at a situation from several perspectives. Consider also writing a "public" journal page or two - to be shared with others in your seminar.

These subjects may be used in your journal more than once and in any order. Some will definitely benefit from being re-visited more than once during the year.

Topics * see variations for Judicial Chambers, below:

1. What is your personal learning style? What will you do to enhance learning at your placement? What have you observed about your supervisors' style?
2. What are your professional development goals for this placement? Why did you pick these goals? How do you think you might achieve these goals--trying out identified skills? observing attorneys? Any personal goals you are not disclosing to your supervisor?
3. Understanding your placement I: What is the agency's mission, who are the clients/decisionmakers, what statutes, procedural rules govern its work? what is the line/structure of authority at this agency? Are there any particular issues of professional responsibility that are especially important at this placement?
4. Understanding your placement II: What strategic decisions are made by this agency, what is the process for strategic decisionmaking, what role do clients play? Describe an example, whether or not it was one you worked on, for example, how the agency decided to get involved in a matter and how it determined what its position would be.
5. Understanding your placement III: Compare the advocacy that you have observed to the agency mission. Critique the lawyering practices of the placement. Do you have ideas for improvement, for example, in regard to lawyering practices, training, resources, even change in the agency's role or mission?

6. Understanding your clients: Examine the disputes or difficulties of the client(s) you represent from their or its point of view. If you represent individuals, what led the client to need your services? How does the client react to the involvement of your agency? If you represent a government agency, see if you can find out how the targets or subjects of your cases/investigation got into the legal situation leading to your agency involvement, and how they are affected by the involvement of your agency.
7. Career development I: If you have considered a career direction like that of attorneys at your placement, find out how your supervisor or other attorney at your placement got to his/her present position. What is the career path of lawyers at your placement, before and after working at the agency? How satisfied professionally are lawyers at your placement?
8. Career development II: Has your experience at your placement affected the ideas you have about your own legal career?
9. Supervision I: How are you or other newer lawyers supervised (assignment of work, monitoring of progress, constructive feedback and guidance)? What are the strengths and weakness of these techniques as you experience them? Do you have suggestions for improvement? Is there any relationship between supervision methods and your learning goals?
10. Supervision II: Reflect on your preferences in supervision. For example, you might recall a good experience in the past, even in a nonlegal supervision context and describe what worked and what did not work. Compare, if possible, to our classroom exercises on supervision issues.
11. Observations of others: What skills/values/"art" have you observed performed by lawyers at your placement?. (You may wish to consult the McCrate Report list of 10 skills and 4 values.)
12. Thinking about your experience: Reflect on your own performance of a lawyering task. You may wish to think about: How does it compare to what you expected? To how other lawyers you have observed appear to perform that task or skill? To what you learned in law school? How has your experience affected your sense of yourself as a lawyer?
13. As a particular example of reflection on your own experience, review an example of writing you produce in your work at your placement. How does your legal writing at your placement compare to the writing you have done for law school?

***Variations on journal topics, for judicial chambers:**

3. "Understanding your placement":

What is this court's jurisdiction (territorial, subject matter)? Under what law (constitutional, statutory) is the court established? Who are the litigants and lawyers who appear before this court? What rules govern the court's standard of decisionmaking or review of decisionmaking? What is the role of law clerks? What issues of professional responsibility are especially important at this chambers?

4. What decisions are made by this court, what is the process for decisionmaking, and what role is played by written or oral advocacy? Describe an example, whether or not it was one you worked on.
5. Given the court's official scope of responsibility, and what you observe, can you critique the practices of the chambers or perhaps of your category of court (magistrate, juvenile, appellate, etc.) in general? Do you have suggestions for improvement?
6. "Understanding clients":
What do you understand about the litigants that are represented before the court? Try to examine the disputes or difficulties of the clients from their point of view. What are the difficulties that led them to be in a court case in this court, and how does the court process affect them, if you can tell?
7. "Career": Can you learn about the career path of judges at this court? Do you have thoughts about how the background of your judge or others affects the court's work?
11. Observations:
 - (a) Comment on the lawyers who appear in your court (or in other courtrooms you visit). What do you think of their advocacy style or skill? How does it compare to what you would have expected?
 - (b) Comment on judges that you observe (your own or other judges). How do they respond to the litigants and advocates in their courtrooms? How do they carry out their responsibilities?
13. Writing: Compare the writing you are required to do for the judge to the research and writing you have done in law school (classes, competitions, law journal). What are the similarities and differences?

HOW TO BE A SUCCESSFUL EXTERNSHIP STUDENT

Immerse yourself in the work of the agency

Get involved in the interactive aspects of the agency in which you work. Ask to go to meetings and to hearings.

Do a good thorough job with your assignments. Try to learn about all resources of the agency that can help you do a good job.

In support of this goal, work on your cases at your agency or chambers. This protects confidentiality, and also provides you with increased exposure to the workplace. Accordingly, unless for some reason you absolutely cannot get to the office, or you need to meet with someone, or make telephone calls at odd hours, e.g., calling a witness, etc., you are discouraged from working on cases at home or at the law school.

You are encouraged to observe other lawyers' work, especially in court. However, observation is much more valuable if you are provided with the opportunity to discuss your observations with your supervising attorney. Students working in judicial chambers frequently ask "How much time should be spent in observing court proceedings?" Rather than quantify the amount of time, it is preferable to guide the amount of time spent on observation by noting the type and range of activity to be observed.

Expect appropriate supervision

All supervising attorneys have been asked to meet with you on a regular basis to discuss your work and professional development, and to give you appropriate guidance and feedback on assignments. You should share responsibility for seeing that such meetings occur. If you are having any problems with either your supervisor's availability or adequacy of supervision, please contact Professor Katz to discuss your concerns.

If you find that you have too much or too little to do, or are not being helped to meet professional standards, it is your responsibility to contact the supervising attorney or judge and try to work out the problem. If you cannot resolve your concerns with your supervising attorney, please speak to the Externship Director or your seminar instructor.

Make the Journal or Alternative Writing work for you

This is your opportunity to select your own areas of inquiry and thought. You may be interested in knowing that your journals will be reviewed by the Director and possibly by a seminar instructor, but not be revealed to your placement without your permission.

On your first journal you will consider your learning goals. Other topics are suggested in the Journal Assignment Section of this manual.

The Director will be sending you “Journal Response” notes, which may suggest other ideas for you to pursue individually.

GUIDELINES FOR STUDENT PRACTICE

Rules of Professional Responsibility

Be mindful at all times of the **Rules of Professional Conduct**, as established by the Supreme Court of New Jersey, or other rules and codes applicable to your externship. If you have the slightest concern at any time, you should discuss it with your agency supervisor or the Externship Director.

Always truthfully advise clients or any persons you interact with that you are a law student working under the supervision of an attorney. This will avoid any misconception and protect you from any problems arising from practicing law without a license.

Keep in mind that a lawyer is professionally responsible to do whatever is necessary to represent clients competently. As an extern, this means you should try to be sure your workload, resources, and supervision are appropriate to meet this responsibility.

Confidentiality

You are governed by the same restrictions on confidentiality that govern lawyers and judges.

If you are representing clients, be aware that the prohibition against disclosing confidence of a client extends through the attorney to those who work directly with him or her, including employees, associates, clerical staff, and law students. Students must be acutely aware of these confidences and take pains not to disclose any without client permission. The attorney-client confidential relationship protects clients who call seeking only advice as well as clients involved in protracted representation. It extends beyond the end of the semester or the termination of the case.

As a law clerk, or assistant in a government agency, to the extent that you gain knowledge of pending investigations, cases, or administrative proceedings you have a public responsibility not to jeopardize the justice system. This is especially true of students in prosecutors' offices, government agencies with adjudication power, and in judicial chambers, who are privy to matters under investigation or submitted for adjudication.

With respect to matters under investigation, in litigation or pending decision, you may be instructed by your agency supervisor to discuss only matters of public record, meaning papers that are available for public inspection, or proceedings that have occurred in open court. Matters of public record do not include contents of discovery materials, matters of trial strategy, or comments about a judge's ruling, to name a few examples.

Office Procedure and Protocol

Immediately become familiar with and strictly adhere to your agency's work rules that protect its competence and professional reputation. These rules will address such matters as:

- ▶ how to notify superiors of your whereabouts (check-in requirements, providing home phone number, etc.);
- ▶ where and how files or other important papers must be maintained;
- ▶ what work activities to record in the files for future reference;
- ▶ what approvals you must obtain for particular pieces of work or proposed activities; and
- ▶ what activities are prohibited (such as giving legal advice or making significant decisions or communications with parties or opposing counsel without your supervisor's knowledge).

In addition, become familiar with formal and informal rules of general courtesy. Dress in a manner consistent with that of the attorneys working in the office. Remember that all clerical and support staff are also professionals and should be treated courteously.

Student Practice

For more information about the scope of permitted student practice, consult the State and Federal Student Practice Rules, located via the Rutgers University School of Law Clinical Programs website.

GENERAL EDUCATIONAL OBJECTIVES OF THE EXTERNSHIP PROGRAM

Educational goals of the Externship Program are consistent with the Law School's vision of clinical education: to develop in students the art of lawyering, teach skills and values such as idea generation, planning, judgment, and problem-solving, sensitize students to issues of professional responsibility, give students greater insight into the workings of the legal system and the legal profession in context, and learn from their experience about their personal professional capabilities. We want to engage students fully with the intellectual, pragmatic, ethical, and personal issues that arise in the practice of law.

The Externship experience can help students accomplish these goals in at least the following way:

Learning from Experience about Personal Professional Development

Students consistently report that a major benefit of their externship experience is increased understanding of their own strengths and weaknesses as lawyers in the particular context of the externship placement. The externship experience tends to build student confidence and increase clarity of career goals.

To support this goal, the supervisor should help the student take personal responsibility. Students should examine their own behavior and strive for self-improvement. Supervisors should model this behavior.

Training Students in Lawyering Skills

Externship placements can help students develop skills such as research and writing, legal analysis, interviewing, and, gathering, organization and communication of facts.

Supervisors should select assignments that will challenge students' existing skills and expect a high level of competent performance.

Increasing Insight into the Workings of the Legal System

Externship students often gain a more integrated and critical understanding of the how the legal system works than they have managed to develop in law school. This result is aided very substantially by thoughtful critical observation of attorneys, judges, and other personnel performing their jobs, and by discussing these observations with supervisors.

Developing a Sense of Professional Responsibility:

Both by serving as a role model and by engaging in dialogue with the student, the supervising attorney is an influential teacher of professional responsibility.

Questions of professional responsibility and ethics arise as a matter of course in law practice. Some of these matters have become so routine to practicing attorneys, however, that a special focus on them may be necessary in order to raise the point with a student. For example, an attorney in a counseling position may be accustomed to treating his clients' disclosures confidentially, whereas this may not occur to a student. Attorneys may no longer consciously dwell on whether what they are doing seems to be "fair" or "just"; students do consider such things, but may be reluctant to raise these issues.

For many students acting "professionally" and being responsible for the welfare of clients is a new experience. This realization of responsibility can be quite dramatic. If the supervising attorney can engage the student in meaningful dialogue on this subject, the lesson is powerful.

Learning to Learn from Experience:

Students who attempt to meet these objectives can develop a habit of continuing reflection and learning from their experience which will help them with their professional improvement in the future. Supervisors can recognize and encourage this attitude.

The following educational goals for this program have been established by the Clinic Committee of the Law School faculty:

Committee on Clinical Legal Education

Statement of Educational Goals for Clinical Legal Education

Note: The goals set forth in this statement represent our views on what students should get from their clinical experience. They are not intended to represent the only worthwhile aspects of clinical experience, and it is understood each student's experience will be different. Obviously, we cannot expect all of the goals to be reached, even partially, in any one clinical experience. These goals are intended to be used as a guideline in evaluating clinical programs.

- I. Professional Responsibility
 - A. Responsibility to clients
 - B. Responsibility to other lawyers
 - C. Responsibility to the system
 - D. Resolution of conflicts between responsibilities

(The Committee is of the opinion that mere exposure to clients and other lawyers is not sufficient to afford the students very much in the way of education for professional responsibility. Rather, what the Committee has in mind under this goal is discussion and analysis of problems of professional responsibility as they arise in the course of a student's clinical experience.)

II. Exposure to Practical Aspects of Law

- A. Fact gathering
 - 1. investigation
 - 2. client and witness interviewing
- B. Case management and preparation (includes law office management for the purposes of dividing functions and coordinating work).
- C. Lawyering responsibility
 - 1. handling clients and other lawyers
 - 2. development of strategy

III. Skills

- A. Brief and memorandum writing
- B. Preparation of opinion letters
- C. Document drafting
- D. Drafting court papers
- E. Negotiation and closing of transactions
- F. Trial preparation

IV. Cross-Fertilization with Traditional Elements of Legal Education

- A. Exposure to substantive areas of law in the context of actual cases.
- B. Exposure to the fact component of applying law to facts.
- C. Exposure to the way in which the processes and enforcement aspects of law bear on the achievement of substantive rights.

(The Committee believes that simply being exposed to one area of law, especially where the area is reasonably narrow on a repetitive basis, is insufficient to amount to sufficient exposure to fall within this goal. What the Committee has in mind is exposure sufficient to give a student added perspective and deeper understanding of the areas of law studied in law school so as to give the student a fairly broad appreciation of the operation of legal doctrines and processes in practice.)

LEARNING GOALS FOR EXTERNSHIP STUDENTS

Before writing your learning goals statement, begin by thinking about possible objectives. You then can identify experiences which you believe will help you reach your personal objectives.

Examples of Objectives for Self-Improvement:

Objectives Involving Improvement of Lawyering Skills:

- Greater ability to perform legal research in a thorough, organized, and competent manner.
- Greater ability to draft briefs and pleadings (or opinions) which are persuasive, grammatically correct, well organized and clear.
- Improved understanding and commitment to maintaining complete and organized files, consistent with professional responsibility.
- Improved ability to identify facts needed to evaluate, support a legal position, and to use informal and informal investigation effectively.
- Greater understanding of decisionmaking by judicial or administrative authorities.
- Better understanding of the application of an area of substantive law to actual cases.
- Heightened awareness of ethical considerations of a situation, and their implications for present and future actions.
- Improved interviewing and counseling skills, to gain maximum information, inform the client, and develop an action plan.
- Improved ability to negotiate effectively using a thought-out strategy reflecting a realistic assessment of a case's strengths and weaknesses.
- Improved ability to develop trial strategy including the elements of proof, supportive facts, the manner in which they will be presented, preparation of witnesses, and examination of witnesses.
- Improved ability to present oral arguments which are persuasive, clear, logical, and demonstrate understanding of the client's case.

Objectives Involving Personal Attributes as a Lawyer:

- Increased ability to be flexible in one's personal attributes (e.g., to be assertive or reserved as it serves one's purpose; to choose a negotiation style to deal effectively with peers, subordinates and authority figures of differing personalities) together with the ability to judge when to use each role.
- Greater ability to come to grips with the tensions and conflicts inevitable in assuming some of these roles.
- Increased sensitivity and commitment to deal forthrightly with ethical issues, and with greater comprehension of how ethical and strategic issues fit together.
- Greater insight into the creative process; greater understanding of the relationship, in legal problems, between mastery and creativity; and, greater appreciation of the role of enthusiasm in both.
- Greater awareness of how one learns best, and an appreciation for the importance and the techniques of learning both during and after formal education.
- Greater ability to engage in meaningful self-evaluation and to effect self-improvement.
- Greater ability to work closely and effectively with peers, including greater understanding of sharing, delegating and criticizing constructively.
- Greater ability to use a supervisor effectively, including the ability to devise constructive roles for supervisors and supervisees, and, in a supervisor context, to communicate, criticize, and make decisions.
- Greater ability to exercise effective leadership in a professional setting such as a task force, committee or board.
- Greater ability to make decisions in unfamiliar areas under conditions of great complexity, uncertainty, risk and time pressure.
- In general, greater skill at thinking through some problems in elaborate, even excruciating, detail; at resolving other problems on very short notice; and at determining when it is appropriate to employ each type of ability.

Objectives Involving Understanding the Legal System:

- Greater awareness of the range of possible options available at each decision point and of the variety of methods for assessing the advantages of each; increased awareness of social and political consequences of legal decisions and the process by which they are made.
- Greater understanding of how the legal system actually manages conflict in the lives of people and institutions.

Examples of Individualized Externship Goals

- Learn to develop productive work relationships with clients.
- Improve ability to collaborate with a partner.
- Learn to give constructive criticism.
- Improve time management skills to gain control over work and to enhance ability to work under time pressure.
- Learn to make decisions more deliberately by broadening the range of options considered and selecting rationally among them.
- Obtain supervisor approval in the form of a good evaluation.
- Learn to evaluate work relationships with others through greater sensitivity to emotions.
- Learn how to experiment and to play roles without embarrassment.
- Improve your sense of humor to enhance enjoyment of and effectiveness at work.
- Learn to get angry at, or to confront conflicts with, supervisors, co-workers or clients in a manner that produces desired results.
- Learn how to relate to authority figures and how your feelings about authority affect your work.
- Become more sensitive to ethical issues.
- Learn to rely on supervisors to enhance ability to work effectively.
- Improve ability to work with people of differing age, sex, race, economic

- status, etc.
- Become more assertive.
 - Learn to design and run a meeting in which work is accomplished, and to choose among possible roles in which you could promote the work of a group.
 - Learn to work more effectively as a member of a group.
 - Increase confidence about professional abilities, to improve productivity or to overcome feeling intimidated by lawyers, courts, or bosses.
 - Study the social system within which you work and integrate knowledge into action within that system.
 - Learn to shoulder responsibility better.
 - Learn to approach work in a more creative manner.
 - Become more aware and sensitive to non-verbal communications.
 - Become more introspective.
 - Have more fun than you've been having in law school.
 - Learn to be a better leader.
 - Learn to be a better follower.
 - Become better able to evaluate risks inherent in a particular course of action, and increase ability to accept risks.
 - Learn to use inexperience or lack of knowledge to your own advantage.
 - Learn how to make better use of resources available to you.
 - Learn about the dynamics of small professional groups to improve ability to work in such setting.
 - Learn to inspire others' confidence in you or to be better liked.
 - Learn to delegate tasks.
 - Improve ability to say no to unwanted responsibilities.
 - Decide what part of the law---if any---you wish to pursue professionally.