

Lewis & Clark Law School

# **FACULTY EXTERN ADVISOR HANDBOOK**



Updated April 2015

## **Introduction**

The purpose of this handbook is to serve as a resource for faculty advisors. It provides basic information regarding program expectations for students, faculty advisors, and on-site mentors, as well as suggestions for supervising your students and maintaining regular contact. It is not meant to be a comprehensive tool, but rather a guide to help you construct the most positive experience possible for yourself and the student.

All externs are required to participate in a 1-credit Externship class, which is done primarily on-line. The class is co-taught by the Externship Program Director and an experienced adjunct faculty member. Externs will have had basic instruction in client confidentiality, conflicts, ethics and professionalism, diversity issues, and working with an attorney supervisor before they start their externship. You should review the Extern Handbook and the On-Site Mentor Handbook so that you are familiar with issues the Externs are expected to discuss with their on-site mentors, as well as supervision and feedback expectations and suggestions for the on-site mentors. Additionally, the Student Extern Handbook contains several suggestions for students regarding topics they should discuss in their daily journals.

Any questions regarding the administration of the program should be directed to the Externship Program Director.

## **Faculty Advisor Guidelines - What to Know Before You Get Started**

### **A. LAW SCHOOL EXPECTATIONS**

The Faculty Advisor plays a critical role in the success of the student's Externship. To that end, the Curriculum Committee has created a set of expectations for faculty advisors that include the following:

1. **Journal Review:** Review the Extern's journal at regular intervals - ideally, each week but at least every two weeks; regularly discuss with the Extern his or her daily work and reactions to it; regularly discuss the Extern's progress with the Mentor (see Section C, below, for details regarding the journal);
2. **Regular Contact:** Pursuant to the requirements of ABA Standard 305, we require faculty advisors to maintain regular contact with the extern and the On-Site Mentor. More information on maintaining regular contact is provided later in this handbook.

## B. SUGGESTIONS FOR SUCCESSFUL SUPERVISION

Once the Externship has been approved and before the Extern leaves for the on-site placement, the Faculty Advisor should arrange to meet personally with the student Extern to discuss the following:

1. Set up a regular method for communication regarding the Externship. For example, you may want to discuss times when you will be sure to have a regular “formal meeting,” such as setting up a biweekly telephone call, as well as establishing methods for more informal methods of communication when things like simple questions or problems arise.
2. Discuss the format of the journal the student is going to be. Be sure the Extern understands basic attorney-client confidentiality and that the Extern knows to talk to the supervising attorney or judge during orientation about establishing guidelines for what can be disclosed in the journal.
3. Establish a set of dates or a series of regular intervals that you expect to receive journal entries from your student. Discuss the approximate time it may take you to review them, and what the student can expect by way of feedback. Ideally, you should be reviewing them once a week, or at the very least, biweekly, and providing feedback to the student biweekly if possible.
4. Review the Extern’s expressed goals for the Externship, including the Extern’s brief. Tell the Extern that you will be reviewing those at the end of the Externship and expect to discuss them as the Externship progresses to make sure those goals are being met.
5. Once the externship is underway, set up a date and time to visit, call or teleconference with the on-site mentor, which is required, ideally at mid-point in the semester/summer.
6. Talk to the Extern about how you want problems that arise during the Externship handled, especially those regarding the on-site mentor and supervision, ethics issues that may arise, etc. Additionally, this is an excellent time to review with the Extern the issues of client confidentiality, conflicts, and attorney work product, and let the Extern know you will be working with the on-site mentor so that the Extern’s experience can be maximized without compromising these principles.
7. Remind the student that weekly participation in the classroom component is a mandatory part of the Externship, and that they will be sharing their journals and information with fellow students in a supportive setting.

## Journaling

*The following section is taken verbatim from the Extern's Handbook. You and the Extern should review it and talk a little about content, style and feedback prior to the Externship.*

Each Extern is required to keep a detailed journal which will be reviewed weekly in your Externship classroom component and on a regular basis by your faculty mentor. The journal is a very important part of your Externship, which you will use to describe your work, ethics and professionalism issues, your experiences, and your reactions and observations. You must keep the journal in readable form, and in a form which allows the faculty mentor to read it in increments. It must be sufficiently detailed to allow you to critically evaluate all aspects of your experience, both professional and personal. You do *not* need to be writing in your journal every day (and certainly not routine entries like "today I got to work, talked with the judge again, wrote a memo, had coffee, etc.). Instead, you should be writing thoughtful, provocative entries once or twice a week as suggested in Section B, below.

Reflection upon your actions, thought processes, strategies, and the behavior of others is an important part of the lawyer's ongoing learning throughout his or her professional life. Keeping a journal will greatly assist you in the learning process, as it compels you to record, observe, reflect upon, and critically evaluate your experiences. It greatly enhances your observation, reading and writing skills. Your recorded entries should include topics such as yours' and others' relationships with clients, relationships with lawyers, the judicial system, administrative agencies, things that both inhibit and facilitate communication, alternative dispute resolution, legislative advocacy and legislative procedure, government lawyers, the role of the lawyer in business, and the relationship between work and values.

### A. Organization of the Journal

Your entries should be reverse-chronological, with dates and entries clearly marked. They should also include your name and placement name at the top.

You should keep your style informal - not in "legalese." Write as a person. You will be noting personal reflections, your efforts to cope with learning new skills, communication issues with you and your on-site supervisor, etc., as well as professional activities.

### B. Topics You Should Write About

Issues will vary somewhat from Externship to Externship, but there are some issues all Externs need to make sure to record detailed observations and reflections upon:

1. **Goals for Your Externship**, your progress toward meeting them, if they change, how and why; frustrations, revelations, etc. in reaching them.
2. **Professional Responsibility and Ethics**: What are some issues that *could* arise in this setting, and why? How should they be dealt with? Are there some issues that have arisen? How have

they been handled/not handled? What do you think should be done? Are there clear answers for some things? If not, why not, and how do you resolve problems that do not have clear answers? Are there examples of professionalism or lack thereof? What could have been done differently? How, if at all, did the behavior or could the behavior influence the outcome of the case, the client, etc.?

3. **Supervision and Feedback:** Reflect upon the supervision you are receiving. How does your supervisor give you feedback, both positive and negative? What do you find most constructive? What helps you the least? Reflect upon how you take criticism, and what motivates you best to improve. Talk about specific areas where you note you need improvement or where the supervisor notes it; ideas you want to talk to the supervisor about; areas where you want to ask for constructive feedback.
4. **Your Attorney Mentor:** What is your mentor's work style? What seems to be effective or ineffective? Observe the mentor's relationships with people. What are shortcomings and strengths? How does the mentor perceive his professional role? What does the mentor view as the most interesting, troublesome, challenging, rewarding areas of the job? Have any of the mentor's views of those things changed over the time the mentor has been on the job?
5. **Your Observations About the Practice of Law:** How is the office organized regarding attorney staffing and the work that needs to be done? How are assignments handed out - are there case meetings? What kinds of systems are in place for conflict checks, time and record-keeping, case deadlines? What type of dialogue takes place between attorneys regarding substantive and procedural issues, e.g., is there a free-flowing atmosphere where discussions regarding cases and strategies take place in the hallway, or is it a more formal system? What seems to work best? How do attorneys do their work? Do they do all their own research and pleadings, or are documents and research done by others, then reviewed by the attorneys? What kind of oversight and supervision is there? What is the attorneys' relationship with support staff? What is the office's relationship with the outside legal community? What is the office's reputation in the legal community? Are attorneys involved in outside organizations or activities? To what extent does any of that involvement complement or conflict with their practice? How is the actual practice of law different from that you have learned in law school? Do you feel differently about it than you did when you entered law school? Than before your Externship?
6. **Professional Relationships:** What are your observations about the professional relationships between attorneys? Note the relationships between attorneys and their supervisors. What is it like between supervisors? Between attorney and support staff? Between attorney and client? Support staff and client? Between support staff? Between the organization's staff and the outside community, including courts, bar organizations and the general public, if applicable? Focus on written and oral communication, both formal and informal. Do people treat each other differently in different settings, and why?
7. **Substantive Work and Skills:** Write down actual things you do during the day and your reflections about it: meetings with clients, depositions, trials, court, legislative and administrative proceedings, drafting documents, participating in discovery, meetings with outside counsel, case meetings, strategy sessions, etc. Take care to note not only what happened, your part in it, and what you learned, but record what your feelings were about what happened. Were there things you thought should have or could have happened differently, and

why? Were there legal issues that were left unresolved, or unmentioned, either purposely or accidentally? Were there examples of strategy that you felt were effective, and why?

8. **Mission, or Purpose, of the Organization/Agency/Business:** Look at the mission or purpose of the organization - does it seem to be fulfilling it, and why or why not?
9. **Workplace Issues/Diversity/Balance Between Law & Life:** Observe the diversity in the workplace, or lack thereof. What, if any, effect does sex, race, sexual orientation, national origin, etc, have on the work place environment? How are the people you work with different from you, and in what ways are they alike? How do you and others react to criticism in the office, even constructive criticism? What is the atmosphere like? Pay close attention to the balance people seem to bring (or not bring) into their professional and personal lives. (Between family and work, personal relationships and work, hobbies or interests and work, etc.) What do you observe about yourself and others? Are there things you can learn to bring into the workplace as a future lawyer? What are personal relationships like in and out of the office setting, and how are they affected by the work that is done?
10. **Skill Assessment:** Evaluate your own skills and abilities. What is your view of your strengths and weaknesses as a budding lawyer? In what ways does the Externship give you opportunities to improve your skills, weaknesses? In what ways doesn't it? What can you do to improve? What are your thoughts about the lifelong learning a lawyer goes through, and the new challenges that present themselves every day? What are the stresses of having responsibility for making decisions, either what you observe about yourself or what you see in others? What is it like when there is no one, definitive answer to a problem? How do you go about deciding which is the best approach to finding a resolution? What are your challenges in beginning a new "job" and the stresses related to starting out in a new environment? How do these challenges diminish as you become more familiar with your surroundings?
11. **Client Issues:** Give special attention to clients - whether in a corporate, law firm, court clerk or public interest setting. How do attorneys interview a client to get the best information? How is a case evaluated? What particular behaviors do you observe in the interactions between attorney and client? Are there things the attorney does to put someone at ease? Does the attorney respect the client's decision-making authority? What influences does the attorney have upon the client, and vice-versa?
12. **Other Issues:** If you are a judicial clerk, pay close attention to the interaction between attorney and client in the trial setting. How does the attorney communicate with his or her client during trial? How does the attorney portray the client to the jury? Pay close attention to opening and closing arguments, and direct examination of the client. Did the attorney establish rapport with the client? Did the questions elicit a seamless story with sufficient detail to match what the attorney told you would happen in opening statement? Do written motions and other pleadings effectively tell you what the client's issues are? Look at question 5, above. See what you can observe from the judge's point of view. How do attorneys treat the judge, and the judicial staff? What can you discern, if anything, about the judge's reputation in the legal community? Also, look at number 6, and record observations about the judge's professional relationships.
13. If you are in a business setting, or with an administrative agency, who are the "clients?" Department heads or executives? Who makes the decisions? What are the relationships like? Do you see any potential conflict issues arising?

14. If you are in a public interest, nonprofit agency, who are the agency's "clients?" What kind of relationship does the organization have to its constituents or clients? Is the organization accurately representing the needs of the "client community?" What methods are in place for communication between the two? What is effective/ineffective about it? Are there conflict issues?

**Important Ethical Considerations.** Remember at all times that you are bound by ethical rules that apply to attorneys or judges, and these rules apply to all written, as well as verbal, forms of communication. Be careful not to include any attorney work product, client confidentiality, or case confidentiality information in your journal. Before you begin writing in your journal, on the very first day, talk with your on-site mentor about your journal, the necessity to keep some very specific details, and what may or may not be appropriate for recording in the journal. The information in your journal may or may not be considered confidential or work product, depending upon the circumstances.

## **MAINTAINING REGULAR CONTACT**

Pursuant to the current ABA standard, we are required to "maintain regular contact" with student externs and to have contact with on-site mentors. If you are serving as the faculty advisor for a student who is externing in the Portland metro area or a driveable distance, you are encouraged to make an in-person visit to the placement. If your student is externing outside our area, please be sure to arrange a time to talk to the on-site mentor and student, ideally at the mid-point of the placement, via phone or videoconference technology.

Each Externship provides a unique set of experiences and issues for those involved, and each will carry with it a unique set of questions. Those listed below are meant to be only a starting point to give some structure to your site visit, to make sure that you cover the basic points.

### **A. QUESTIONS FOR THE ON-SITE MENTOR**

Following is a checklist of topics you may want to discuss:

1. **What tasks have been assigned to the Extern?**
  - a. Are tasks challenging and responsible? (Were a variety of well-defined tasks encouraging the learning of lawyering skills assigned?)
  - b. Are learning objectives set for each task?
  - c. Are those objectives being met?
  - d. Did the on-site mentor solicit feedback from student re: these objectives?

**2. Discuss Extern Progress Regarding the Following:**

- a. Attendance on scheduled days
- b. Timely completion of assignments
- c. Attitude (toward support staff, attorneys, clients, judges)
- d. Research/writing/drafting skills
- e. Analytical skills
- f. Work with clients and witnesses
- g. Work with opposing counsel
- h. Oral communication skills/courtroom performance
- i. Comments on Extern's strengths/weaknesses

**3. Does the Extern Participate in All Available Activities?**

(E.g., client meetings, policy development decisions, discussion of case/litigation tactics, contact with judges and opposing counsel, document review, etc.)

**4. On-Site Mentor Supervision**

- a. Does the on-site mentor meet regularly with the student to provide feedback, etc.?
- b. Do the assignments provide the Extern with insight into the legal system and profession?
- c. Is this an on-site mentor you would recommend in the future?

**5. What Training Is Given To the Extern Regarding Ethics/Professional Responsibility?**

- a. What type of training is being provided? Is it formal or informal?
- b. To what issues of professional responsibility is the student exposed?
- c. Did ethics issues arise, and how were they dealt with?
- d. Does the placement have any written guidelines or policies regarding ethics or professional responsibility? If so, were copies provided to the student, and were they discussed?

**6. Are There Problems With the Placement?**

- a. Are there issues that need an immediate, formal plan of action?
- b. Are there issues that give rise to concern about sending additional Externs to this placement? If so, make sure the Externship Director is informed.

**B. QUESTIONS FOR THE STUDENT EXTERN**

**1. Review Extern's Goals as Outlined in the Externship Brief. Are those goals being met?**

- a. Are there additional things that need to be done to ensure the goals are met?
- b. If the goals have changed, are the new goals substantial, and are they consistent with the overall goals of the Externship Program and with the placement in particular?

**2. Work Assignments**

- a. Are a broad variety of tasks assigned?
- b. With respect to cases or projects, is the student involved in all aspects? If not, why not?

- c. What ethical or professional responsibility issues arise in the context of the work the student is performing? What issues could arise?
- d. Does the student feel he or she is receiving training in professional responsibility and ethics?

3. **Working With the On-Site Mentor**

- a. Is the on-site mentor working with the student to define learning goals?
- b. Are directions clear when assigning work?
- c. Does the student feel comfortable asking for guidance/clarification? If not, why not? Be sure to identify ways to immediately correct the situation that is comfortable for the student. Is the student receiving constructive criticism, and are suggestions given on how to improve?
- d. Does the mentor include the student in a discussion of his or her work in which the student is involved?
- e. Is the student asked for input on feedback and evaluation of his or her work?
- f. Does the mentor schedule regular times to meet with the student? Is this sufficient?
- g. Is the mentor available to meet with the student on an “as needed” basis?
- h. Are other people available for questions or supervision?
- i. Are there problems, concerns or fears the student has regarding supervision?
- j. Are there any other concerns about how the office is run?
- k. Would the student recommend the mentor to others?
- l. Does the student feel the mentor is knowledgeable and experienced in his or her field? (Are substantive/procedural skills well-developed; is the mentor perceived by others as an excellent attorney?)

4. **Work Environment**

- a. Does the student have an adequate space to work?
- b. What is the office environment like? (Is the administration organized; attorneys respectful toward staff; collegial atmosphere; ethical standards enforced; conflicts check system in place; respect toward clients, etc.).
- c. What is the student learning about working with support staff and other attorneys or judges?

5. **Practical Skills**

- a. What practical skills does the student feel he or she is learning, and how accomplished do they feel? Are they seeing the type of growth they feel is appropriate? What concerns are expressed? Are there ways within the placement to address those concerns?

Thank you for agreeing to serve as a faculty advisor!