

THE UNIVERSITY OF TULSA COLLEGE OF LAW
STANDARDS FOR SUPERVISION OF EXTERNSHIP STUDENTS

The American Bar Association Standard 305, relating to law school field placement programs, requires that any law school permitting students to participate in activities or studies away from the law school must develop and publish a statement defining the education objectives of their externship programs. We have prepared this statement of field placement educational objectives and supervision standards to assist all supervising attorneys and students who participate in field study externship programs. The educational objectives of externship placements are:

1. To further develop student research, writing and drafting skills through work on legal documents such as litigation documents (*e.g.*, pleadings, discovery materials, trial and appellate briefs, legal memoranda, etc.), and transactional documents (*e.g.*, contracts, probate and estate documents, opinion letters, etc.);
2. To expose students to lawyering skills through participation in activities such as interviewing, counseling, negotiation, oral advocacy, and investigation and the formulation of case strategy;
3. To develop student oral advocacy skills through participation in, or observations of court, discovery and administrative proceedings;
4. To give students practical legal experience and to enhance their understanding of the application of the principles learned in law school to legal problems;
5. To give students the opportunity to participate in, and reflect upon, the work of legal institutions;
6. To expose students to issues of professional responsibility within the context of legal practice;
7. To encourage students to explore and consider different roles for lawyers, and to expose them to the range of career opportunities available in the law;
8. To permit students to gain practical experience in specialized areas of the law through experience that will supplement their course work within the law school; and
9. To instill fundamental values of the legal profession, including the provision of competent representation, the promotion of justice, fairness and morality, and a commitment to an on-going process of professional self-development and growth.

A. The Role of the Supervising Attorney in Achieving Externship Objectives

In an externship program, a student's ability to achieve the goals stated above depends in large measure on the quality of the student's relationship to his or her supervising attorney and the supervisory methods used by the supervisor. The success of field study externship programs depends on the willingness and ability of the supervising attorneys to serve as available role models and teachers. A good attorney's skills are not necessarily those of a good supervisor. Good supervision requires certain skills, techniques and attitudes that can be learned and applied effectively. The College of Law will periodically provide specific, in-person training for field supervisors. In addition to the principles discussed below, the College of Law has developed a comprehensive Field Supervision Manual to which all field placement supervisors are referred for teaching and supervising techniques.

An essential component of effective supervision is a reasonable supervisor-to-student ratio. The Oklahoma Supreme Court's Rule for Licensed Legal Interns provides a useful guide even for externships that do not involve licensed interns. Under Rules 3.1 and 3.5, one attorney may not supervise more than three licensed law students at any time and must be a licensed practicing attorney for five years prior to undertaking the supervision of a licensed legal intern. An exception to the five years is made for staff attorneys of a recognized legal aid program, public defender program, district attorney office, municipal attorney office, the Attorney General of the State of Oklahoma, or office of any other government agency. They must have at least one year in practice before they may supervise a licensed legal intern; however, under our academic program, they must have at least three years of such experience. These qualifications and student ratio rules have been successfully used in Oklahoma for more than 30 years and, thus as modified, are applied to all of our externship programs. At all times, we suggest that quality supervision involves conscious application of several principles discussed below.

1. Providing a variety of well-defined tasks that encourage the learning of a range of skills.

For a student to function effectively, the supervisor must clearly explain what the assigned task involves and should put the specific task into the context of the entire case or issue on which the supervisor is working. Although narrow research projects may help the supervisor and be appropriate student projects, their true benefit to the student as a learning process comes from an explanation of how the particular issues arising in the small project fit into the context of and affect the whole case. Many students arrive at a placement with no academic or practical experience in the kind of law that is practiced there. Therefore, it is incumbent upon the supervisor to explain carefully the scope of the project, the work necessary to complete it, and a time estimate of how long the supervisor expects the student to work on the project. Students should be encouraged to put their research into writing whenever possible. Even if the written form is less expedient, students need experience and practice in synthesizing their research into a coherent written product.

In our experience, the best externship experience offers a variety of assignments, in addition to the traditional tasks of legal research and drafting legal memoranda. The experiences should also include observation of courts, judges and lawyers, meetings, conferences, negotiations and telephone communications, and should include a discussion of the supervisor's thoughts about his or her interactions in these experiences the student is observing. Whenever possible, students should be allowed to directly experience doing what they have observed others performing.

2. **Providing students with insight into the workings of the legal system and profession.**

One of the most important benefits of an externship program is that students can immerse themselves into a particular office and aspect of the legal system. In order to achieve this experience, the student should be exposed to a variety of situations and the supervising attorney should take the time to discuss what is observed. In some externships, students spend large amounts of time in relative isolation in the library. These students will not have a significantly better idea of the functioning of the legal system as a result of this experience, and the College of Law disfavors this type of placement. Even a student engaged in substantial research should be involved in the analysis of that research and its application. Consequently, the supervising attorneys should explain the context in which an assignment arises and, whenever possible, allow the student to see the application of his or her work product.

3. **Developing professional responsibility skills through observation and application in the workplace.**

Professional responsibility is a required course in the law school curriculum. The externship can supplement classroom learning by providing opportunities to see or be involved with actual professional responsibility decisions confronting practicing attorneys daily in court, with clients, with jurors and in conflict situations. All of these situations can generate professional responsibility questions and explanations. The externship is an excellent opportunity to learn about obligations to the client or the court, to explore the limits of client confidentiality, to learn to meet deadlines, and to learn basic work habits and skills. The field supervisor should be both critical and reinforcing when a student has either failed or succeeded in meeting professional responsibility goals. Supervisors should be alert to professional responsibility issues and raise them with externs as such issues present themselves.

4. **Developing the student's ability to learn from experience, including critical professional feedback on performance.**

Feedback on written work and other task performance is essential in field placements. Meaningful feedback consists of very specific information. It involves careful observation of student performance or product and tactful honesty in communicating the supervisor's views. A student learns nothing constructive from comments such as "good job"

or "you'll do better next time." The supervisor should provide specific examples of what the student said, did, or wrote with a clear and detailed explanation as to why the work was sufficient or inadequate. Good feedback assures that the student fully understands the strengths and weaknesses of his or her performance in order to build upon strengths in future assignments. Students need an opportunity to learn self-evaluation skills. This need means that some constructive dialogue between the supervisor and the student should take place to allow the student to recognize where he or she has been making mistakes in performance or legal analysis.

Certain supervisory methods are preferred in student evaluations. Generally, students learn more effectively when supervision is nondirective and student-centered. Rather than telling a student exactly what to do and where to find the answer, a supervisor should take the time to explain the context of an issue and the nature of the task being assigned, to discuss the student's reaction to the problem, to help the student form problem solving strategies, and to agree upon a schedule for the project and the form which the student's work should take. Interim meetings should be held to discuss progress and to avoid misdirection, as well as to reassess the nature of the issues in light of the student's work to date. The College of Law encourages all field supervisors to take the time to openly and candidly discuss their views of the legal system with students. Even the most insightful students will learn much more by hearing directly the opinions of their supervisors about the range of issues concerning law practice and roles of lawyers in the institutions in which they are involved.