

**CALIFORNIA WESTERN  
SCHOOL OF LAW | San Diego  
CLINICAL EXTERNSHIP PROGRAM**

**SUPERVISING ATTORNEY**

**HANDBOOK**  
(2023)

## TABLE OF CONTENTS

INTRODUCTION	Pages 1-4
A. PROGRAM OVERVIEW	1-3
B. STUDENT REQUIREMENTS	3
C. SELECTING AN EXTERN	3-4
PROGRAM GOALS	Pages 5–9
A. DEVELOPING THE ABILITY TO LEARN FROM EXPERIENCE	5
B. PROMOTING THE DEVELOPMENT OF PROFESSIONAL RESPONSIBILITY	5-6
C. GIVING STUDENTS INSIGHTS INTO THE WORKINGS OF THE LEGAL SYSTEM	6-7
D. TRAINING STUDENTS IN LAWYERING SKILLS	7-9
THE EXTERNSHIP PROCESS	Pages 10–17
A. ORIENTATION WITH YOUR EXTERN	10-13
B. ASSIGNMENTS	13-14
C. FEEDBACK	14-15
D. ISSUES	15
E. REQUIREMENTS OF SUPERVISING ATTORNEY	15-16
F. REQUIREMENTS OF STUDENT EXTERNS	17
APPENDIX	Pages 18-29
A. SUPERVISING ATTORNEY DESCRIPTION AND APPLICATION OF EXTERNSHIP	19-20
B. SUPERVISING ATTORNEY MEMORANDUM OF AGREEMENT	21
C. ORIENTATION CHECK LIST	22
D. EXPERIENCE CHECK LIST	23
E. MID-TRIMESTER ASSESSMENT	24
F. FINAL EVALUATION OF STUDENT’S PERFORMANCE	25
G. STUDENT EVALUATION OF PLACEMENT	26-27
H. WEEKLY TIME LOG	28
I. CONFIDENTIALITY AGREEMENT	29

# INTRODUCTION

We would like to thank you for agreeing to participate in the Clinical Externship Program at California Western School of Law. We recognize you have significant responsibilities and demands for your time at your place of employment and greatly appreciate your willingness to mentor and instruct our externs as they develop their legal skills and become effective members of the legal profession. This Handbook is intended to outline the policies and procedures of the Program, to assist you with the supervision of our externs, and show you, your colleagues and the extern how to benefit from this program.

The Externship Program is an essential component of the curriculum at California Western School of Law. The program gives third year students the opportunity to earn academic credit for legal work in public interest organizations, private law firms, courts, corporations or government agencies. In these settings, students participate in legal work and acquire useful insights and experiences toward building their careers. The program builds and promotes the confidence, problem solving skills, and professionalism that lead to success as first year attorneys. Students are able to experience the attorney's role directly through the application of legal theory and gain better insight into the process of law and the legal system.

Professor Hannah Brenner Johnson, Director of the Clinical Externship Program, [HBrenner@cwsl.edu](mailto:HBrenner@cwsl.edu), 619-525-1458 and Ruth Briscoe, Associate Director, [rib@cwsl.edu](mailto:rib@cwsl.edu), 619-525-1438.

## A. PROGRAM OVERVIEW

### Externship Seminar

In the weekly Externship Seminar, students have an opportunity to share experiences and learn about different areas of law practice. The Seminar also provides a forum for discussing issues of concern to new lawyers, ranging from the most practical questions regarding professionalism, to the more theoretical considerations of ethics and morality. Students find these seminars to be an important source of information, education, and support for making the transition from student to new lawyer.

Students externing outside of San Diego participate in the weekly seminar via an online learning platform with other out-of-town externs.

### Academic Credit

Students extern for one trimester (13 weeks) and spend between 20 and 40 hours per week at their placement, depending upon the number of units they are earning. Externs receive academic credit (pass/fail) rather than remuneration for their work. The externship seminar is a one-unit course for which students earn a letter grade.

Students must complete 90 units to graduate, 15 of which must be Experiential (EXP) units. All units earned through the Clinical Externship Program are considered EXP units (including the seminar).

### Externship Opportunities

Approximately 70 percent of our students participate in the Externship Program. Students may use the program's current placement resources or find a placement on their own within or outside of San Diego.

Externships fall mainly into these categories:

#### Judicial

A judicial externship enables students to learn about the legal system by working closely with judges. Students in these externships primarily engage in research and writing for the court and may take advantage of the opportunity to observe judicial proceedings. Our students may extern at the federal level with the United States District Court and Ninth Circuit Court of Appeals and the state level with the Superior Court and the Court of Appeal, Fourth Appellate District. Externships are also available with the Bankruptcy Court, Immigration Court, and the Equal Employment Opportunity Commission.

#### Government Agencies

Some of the most popular government placements are in the criminal justice system, with the Public Defender's Office, the District Attorney's Office, and the City Attorney's Office. A variety of government agencies offer externships for students who are interested in civil law or administrative law. These government placements provide litigation, transactional, and policy-making experiences, depending upon the mission of the agency. The extern will have the opportunity to perform and observe a wide variety of tasks including research and writing, consultation with staff, investigation and discovery, analysis of rules and policies, and attendance at meetings and hearings. Certified law students may appear in court.

#### Non-profit Organizations

These types of externships include Casa Cornelia, Legal Aid, San Diego Volunteer Lawyers Program, Family Justice Center, Coastkeeper, etc.

#### Private Law Firms

A wide variety of private law practices, ranging from those of sole practitioners to large corporate firms, participate in the Externship Program. Some of the activities students engage in include meeting with clients, conducting discovery, managing their own cases under the supervision of a supervising attorney, and learning about the business aspects of law practice.

## In-house Counsel

An externship with in-house counsel gives students a unique chance to participate in an area of law that is generally reserved for very experienced attorneys. These placements allow students to engage in activities such as employment issues, securities, contracting, litigation, corporate policy, and training.

### B. STUDENT REQUIREMENTS

1. Students must be in their last or next-to-last trimester of law school at the time the externship begins.
2. Students are required to have a minimum of 50 hours of legal experience (paid, pro bono, or other volunteer) acquired since entering law school.
3. Students may participate in the Program for only one trimester. Externships for credit cannot be repeated.
4. Students planning to extern outside of San Diego must arrange to attend the CWSL's Bar Review Course the trimester before or after their externship. Please contact Professor Sassi at [csassi@cwsl.edu](mailto:csassi@cwsl.edu) for details.
5. Students cannot be on, or in danger of going on, academic probation (Academic Policy 7.33). Students cannot have a violation of the law school's Code of Student Professional Conduct (Honor Code).
6. Some externships have specific class ranking, prerequisite courses or other requirements, as detailed in the externship office.
7. Students ordinarily may not extern with relatives, friends, or friends of relatives.
8. Students interested in externing at an office where they are working or have been employed must have their supervising attorney complete a Teaching/Learning Agreement explaining how the externship experience will be different from the work the student has already done.
9. Students may not take more than 17 units of credit while externing.
10. Students must successfully complete the STEPPS Program.
11. The Clinical Externship Program does not allow students to be compensated for their work.
12. Supervising attorneys are prohibited from billing clients for the time and work performed by externship students.

### C. SELECTING AN EXTERN

California Western School of Law does not assign externs to attorneys. The supervising attorneys are under no obligation to interview or select an extern.

Third year students attend a mandatory Externship informational meeting where they learn about the policies and procedures of the program. The student will then select current placements from the resources located in the Externship office.

After the placements are selected, the student will meet with the Clinical Externship Director or Externship Professor. The purpose of the meeting is to ensure that students make an informed choice as to their externship. If the director or professor does not approve the application, the student will not be able to participate in the program. Once approval is given, the Externship office will send a cover letter with pertinent information along with resumes, transcripts, and writing samples.

The extern is responsible for contacting the placements to set up interviews. When all interviews have been completed, the attorney will contact the externship office and extend their offer(s). The externship office will contact the students with offers and the student will make their decision and inform the externship office and placements directly.

## PROGRAM GOALS

The Clinical Externship Program at California Western has multiple goals:

- Develop the students' abilities to learn from experience and become thoughtful problem solvers
- Promote students' sensitivity to and awareness of professional responsibility and ethical issues
- Give students insights into how the legal system works
- Train students in lawyering skills and critical thinking
- Instill values of professionalism
- Develop students' interpersonal skills

These goals are discussed below, with a particular emphasis on your role as the Supervising Attorney. Whether students fulfill each of these goals, depends upon the quality of their relationships with their supervising attorneys.

### A. DEVELOPING THE ABILITY TO LEARN FROM EXPERIENCE.

In order to prepare for the practice of law, the student must develop the skills necessary to learn from their experience. You can help students achieve this goal of learning from experience in two important ways. First, we ask all supervising attorneys to discuss with their externs the students' goals for the externship at the very beginning and throughout the course of the externship. It is also important to address how the student intends to accomplish their individual goals. Secondly, we ask you to participate in ongoing feedback, discussion, and critique of the student's performance. Eliciting the student's self-critique is a valuable learning experience. One method of prompting student feedback is to regularly seek the student's evaluation of your performance.

### B. PROMOTING THE DEVELOPMENT OF PROFESSIONAL RESPONSIBILITY

The externship is the ideal situation for teaching professional responsibility. For this reason, your role as mentor to the student extern is particularly significant. By serving as a role model and by engaging in dialogue with the student on professional issues, you can greatly increase students' awareness of ethical behavior.

Students need to understand that the law is a service profession and that their training puts them into the position of having responsibility for matters that affect the lives of others. You can model this behavior by your own attitude toward your work. Talk with the students about this responsibility and the pressure it may bring to the work. Meeting deadlines, proofing

written work, voicing concern about apparent injustices, communicating in a timely fashion with clients, being prepared for appearances, and everything an attorney does toward serving their client is a lesson in professional responsibility.

The requirements of the Rules of Professional Conduct as well as other rules and codes particular to the jurisdiction should be explicitly discussed when relevant. Students need to learn that these rules are not merely the subject of an examination but are important guidelines for practice and relevant in the day to day work of a lawyer. To that end, you may discuss your billing practices, fee agreements, client conflict and confidentiality practices as well as your approaches to discovery and trial tactics.

### C. GIVING STUDENTS INSIGHTS INTO THE WORKINGS OF THE LEGAL SYSTEM

You can enhance students' learning about the legal system by exposing them to a wide variety of situations and by taking the time to discuss with students what they have observed.

There are some general areas of reflection, which we think our students should be doing in conjunction with their externships. We will be discussing these topics in our weekly seminar classes. We ask you to keep these topics in mind and discuss them with externs, especially when they are relevant to the particular work the students are doing.

-Does the legal system promote justice?

One of the focal issues for our discussions is whether the legal system is working in a way which promotes justice. We talk about the quality and inequalities of representation the students observe and what this means to the goal of achieving "justice." We talk about the attitudes of the attorneys they observe in terms of caring about their work, doing the best possible job, and working with others. We also look at some of the other "players" in the system, such as clients, defendants, jurors, judges, and police officers, in considering whether the system works to promote "justice." We look at possible sociological impacts on the system's functioning, such as poverty, racism, sexism, drugs and societal values.

-What is the work of the lawyer?

Another focus of our seminars is the variety of work, which lawyers do. The fact that our students are doing so many different kinds of work, gives each student an opportunity to learn more about the role of a lawyer than he would learn in an isolated setting. You can talk to your externs about your own experiences, what your preference is about the work you do, and what you do to cope with the stress of your work. It is important that students' tasks be varied so that they can experience the work of a lawyer first-hand. Externs should be invited to participate at all levels of a case file they are working on. In addition, they should be encouraged to participate

in meetings and observe lawyering tasks not necessarily related to their immediate project, but from which they might also learn.

A related topic of interest to many students is how to balance their personal lives with their demanding careers. As a mentor, this is an interesting issue to discuss with your externs.

-How does the legal system work?

Of course, a good topic for discussion is examining how the courts, law offices, administrative agencies, arbitrations, etc., actually work. Students are anxious to know how to perform in these settings. If possible, please let the students observe as many kinds of proceedings as possible.

#### D. TRAINING STUDENTS IN LAWYERING SKILLS

As a Supervising Attorney, challenge your externs to perform the kind of tasks that allow them to learn and grow. We stress with the students that the tasks they perform must be those of a lawyer rather than a law clerk or paralegal.

The chart differentiates the job of a law clerk versus the experience of an extern:	Law Clerk	Extern
Relationship with attorney	Employer/employee	Mentor/student
Purpose	Produce	Learn
Tasks and work	Focus on needs of employer	Focus on learning goals of extern
Expectations	Efficiency and speed	Understanding, learning and reflecting
Exposure	Work assigned	Opportunity to engage in a variety of lawyering activities including observation
Feedback	Not primary focus	Work continuously reviewed and revised
Compensation	Money & experience	Supervised experience and academic credit

There are certain skills that each extern should perform. There are, however, some specific goals that should be established by each placement, as exemplified below.

##### 1. Research, Analysis and Writing.

Students externing in trial and appellate courts and in law offices where a majority of the work is motions, appeals and/or trial briefs, should be expected to improve in these skills over

the course of their externships. This means that students will become more efficient in their research, having a better knowledge of the tools available and how these tools are used, as well as an ability to focus on and develop the critical issues in the case. We expect that their analytical skills will become more sophisticated, including an increased appreciation for the significance of facts and policy. Finally, students' writing should become more succinct, clear, and appropriate for its intended audience.

When you assign students research projects, ask them to formalize their work in a written research memorandum in a format you typically use.

Students need to hone their research and writing skills. You have a right to expect a high-quality written work product from your extern. Although requiring excellence may be hard work and may not be the most time efficient routine, if you do it from the outset of your relationship with your extern and insist on it throughout the student's tenure with you, you will nearly always find your effort fairly rewarded.

To facilitate a student's growth, you should discuss not only the student's final products, but the approaches used to achieve them. Students need to be able to explain how they approached the task, what resources they used and why, and what they would do differently when assigned a similar task. Students should rewrite their work until it meets the standard expected in that court or office.

As you are assigning a particular assignment, they should be given some background and context. Students should be given the entire case file when possible. It is crucial that students acquire an understanding of how these issues fit into the larger picture of the case and that they be given the opportunity to examine the history of the case to date. Be mindful that students are working to learn how to be lawyers, not to learn to be law clerks.

## 2. Oral Advocacy

Students who are at externships where they will be able to represent a client at a hearing have usually chosen such a placement to improve their oral advocacy skills. This requires several things from you as a Supervising Attorney. As a Supervising Attorney, you will need to help the student's preparation for the hearing. If you are present at the hearing, please take specific notes, which can be used to provide feedback to the student. It is best to debrief their performance soon as possible after its completion.

Good preparation, clarity of expression, flexibility, alertness, physical presence and appearance are all aspects of good oral advocacy and are specific goals to be achieved in these settings. In order to measure the student's progress, it is essential that you observe the student at several points during the externship. It is also important to provide the student with progressively more challenging work. Students who begin their externships handling traffic

tickets should progress to arguing motions and second-chairing trials if their demonstrated skills make this appropriate.

### 3. Case and Time Management

Students at every externship should be working on these skills. They must learn how to prioritize their work, set time limits for accomplishing tasks, work under pressure and work more efficiently. Supervising attorneys should give students projects with short deadlines, longer range projects, while carefully reviewing the students' time logs.

### 4. Client Relations and Professional Demeanor

If students have the opportunity to work with clients, they should improve their interviewing and counseling skills while being responsive to clients' concerns. At the same time, they should assess credibility, acquire relevant facts and provide helpful information in an empowering fashion.

Students should learn how to communicate with others in a professional setting including support staff, colleagues, adversaries and judges. As a Supervising Attorney, you should provide specific feedback in each of these areas. You are encouraged to discuss how you manage the different relationships.

# THE EXTERNSHIP PROCESS

## A. ORIENTATION WITH YOUR EXTERN

Schedule an orientation meeting with your extern on or before the extern's first day of work. The meeting will set the tone of your relationship for the trimester. It is important to plan for this initial meeting and to take the time to cover the subjects listed in the following Orientation Check List (Appendix C). A more detailed discussion of each item follows the checklist.

You will be sent a confirmation letter from the Externship Office along with an Orientation Check List memo and Experience Check List. Make sure to go over the list on the extern's first day.

### 1. The function of your agency, law office or organization.

Some law students have little previous exposure to the legal profession. Although your office's role in relation to the working of the legal system may seem obvious to you, it probably is not obvious to your extern. An explanation of who uses your services (that is, who your clients are), what areas of law you deal with, how you are funded, to whom you are accountable, the number of attorneys in the office, helps to orient the student to this new environment.

### 2. Your expectations of extern.

Explain to the extern what you would like them to experience during the course of the externship. To develop self-confidence and a sense of responsibility, a student must know that they are contributing. Thus, it is important for you to let the externs know the significance of their work to your office and to the client. Students who sense that they are not serving a useful function will tend to become less motivated and gain little from the experience.

To the extent possible, you should encourage the extern to get to know the other people in the office and to participate in office functions and activities. If your office engages in staff meeting, please include the extern whenever possible.

### 3. The student's expectations for the externship (Experience Check List).

At outset of the externship, you should ask the student what they would like to learn from their externship.

The externship program encourages students to define their own goals. This will become important throughout the term in evaluating whether they have met their goals. Accordingly, we

encourage you to engage the student in goal setting and self-critiquing. It may be useful to goal setting to refer the Experience Check List (Appendix D) to facilitate this conversation.

4. Describe the assignments you expect to give extern.

You should discuss the kind of assignments, which the student will be doing. If you know, or can anticipate, the specific cases or projects, which the extern will work on during the trimester, discuss them at this time. This is also a good time to talk with your extern about the kinds of resources, which are available to help them with these tasks and how you plan to give feedback.

5. Discuss protocol (chain of command and confidentiality policy).

When going over the nature of the student's work, it is appropriate to discuss policies and lines of authority. Make clear whether memos are to be written according to a specific format, or whether some types of legal authority are to be relied upon more than others (federal law, state law, administrative reports). The extern also needs to know which items of work must be checked by you before they are finalized, and which tasks they can do on their own. The students must understand from whom to take assignments. We ask that all assignments go through you, as the supervising attorney, even if the students will work with other attorneys in actually performing the task. This system prevents conflicts developing over the externs' work and helps the externs maintain an open line of communication with you.

Other subjects to include in this discussion are confidentiality, dress code and general appearance, use of office equipment, and any other relevant office policies. For instance, tell the student the parameters and purposes of your confidentiality procedures; require the student to dress in the same professional manner as the attorneys in your office.

6. Schedule for weekly meetings with the student.

This is the time to plan how and when you would like to communicate formally with the extern. We encourage you to have weekly meetings with your extern, during which you can review the student's work and discuss other matters. Some attorneys direct the student to see them whenever there is a question or a need for feedback. The important thing is to make clear to the student that you intend to take the time to review their work and discuss relevant matters and topics of interest, then establish some procedure for doing this.

During these meetings, it can be especially important to schedule opportunities for the students to observe you or your colleagues engaging in lawyering functions. Although we encourage students to be assertive in asking you about observation opportunities, some more shy students will wait for you to take the lead. A good way to keep the student apprised of these upcoming events is to put the topic on the agenda for each weekly meeting.

A good tool to use to engage the extern is the weekly time log. Students will record their assignments on a daily basis. The time log can be used during your weekly meeting to go through the assignments and answer any questions or give constructive comments.

#### 7. The student's work schedule.

An essential element to the externship experience is establishing a sense of responsibility and commitment. Toward this end, students must have a regular schedule so everyone knows when the student will be at work. As a supervising attorney who must plan assignments and still get your own work done, you are entitled to know when the student will be at your office. A set schedule also gives the student an opportunity to develop a sense of commitment and to view their work as a regular part of the office's functioning.

We ask you to be firm with the students about their work schedule. Let the student know that tardiness or absences are unacceptable in the professional world. If a student is tardy or absent more than once, please discuss this with the student. If this behavior continues, report it to the Externship Office so that we can talk to the student.

Of course, we do not require you to be totally inflexible in working with the students. We understand that emergencies arise for which you must make allowances. Please treat the student extern as you would a regular employee in your office in this regard, remembering that you are playing a substantial role in their professional development.

#### 8. Showing the student their workspace.

As obvious as this sounds, show the student where they will work while in your office. Not only does this help you and others to find the student, but it also contributes to making the student feel that they belong there. You may want to ask one of the staff members to show the extern how office machines, i.e., phone, copier, and printer work.

#### 9. Layout of the office and library and introduction to others.

Please take the time to show the student around your office. This tour should include a brief overview of the library, where you could point out specific resources and electronic resources, which may be valuable to the student in performing their work. Introduce the student to others with whom they may have contact, such as secretaries, receptionist, librarian, and other attorneys. Naturally, all of this will help to make the student feel more comfortable and more a part of your office which, in turn, should lead to increased productivity.

#### 10. Explanation of the first assignment.

At the end of the orientation session, give the student their first assignment. Please take the time to explain the assignment; again, students will often fail to ask you questions for fear of appearing ignorant. Give the student a specific deadline for this and all future assignments and mark these deadlines on your calendar to remind yourself to check whether the student is completing work in a timely fashion. Sections B. and C., below, offer more detailed suggestions for assignments and feedback.

## B. ASSIGNMENTS

### 1. Giving guidance on assignments

When you assign a student work, go over the assignment in detail with the student to be sure they understand it. You might even ask the student to repeat back to you issues that are particularly complex. Inform the student of resources you might use to begin the project, as well as any resources with which they might not be familiar. Arrange a deadline with the student for submission of a first draft. Then leave the student alone to find the appropriate law, procedure, form, etc. This process of working to find the answer teaches more than you simply spoon-feeding the information.

Some students hesitate to ask for further help on an assignment. Weekly meetings and early deadlines are helpful for this purpose. In addition, students should be encouraged to ask their immediate supervising attorneys, as well as others, for help when necessary. On the other hand, some students may ask too many questions. Where students should be able to resolve a matter on their own, they should be encouraged to do so. Above all, make sure that deadlines are adhered to.

It might be helpful for you to know that from our end, we are applying some pressure on the externs to think about their work from the standpoint of being the lawyer who is responsible for the serving the client's interest. We tell the students that their first concern must be for the client, rather than for how their supervising attorney might view the work. Only by exercising this kind of independent thinking will the externs stretch themselves beyond the comfortable and familiar. The kind of thinking we are trying to discourage is reflected in the statement "I didn't know what my supervising attorney wanted me to do with the case." We ask the student to think in terms of what they would do with the case if they were ultimately responsible.

### 2. Supervision by more than one attorney

Some agencies rotate students through several divisions in an effort to give them a varied learning experience. This makes it difficult for one attorney to assign all the work. Because of the many problems that such arrangements have engendered in the past, we require all offices that rotate students, as well as offices where students will receive work from more than one attorney, to appoint one attorney as the overall extern supervisor. This attorney should keep

files on the students and be aware of the students' status at all times. This may be done by requiring all the externs' work assignments to pass through the supervisor.

### C. FEEDBACK

**We cannot overstate the importance of giving feedback to externs.** Your feedback will assist the students in analyzing their performance and in determining what changes they should make next time. This feedback differs from the information, which you would give students periodically to assist them in carrying out an assignment. The latter might be references to useful resources, discussions of pertinent law, or help in understanding issues or strategy. The feedback, which is the subject of this discussion, however, consists of giving specific comments about the effectiveness of what the student did and, when necessary, suggesting alternatives to enhance future performance.

Most of the tasks that students perform can be evaluated. Of course, we do not expect you to evaluate the extern's work thoroughly each time they perform a task. Rather, we would like you to evaluate the student at least twice for each type of task assigned. Thus, if your extern interviews clients or witnesses, or makes court appearances, please observe and critique at least one such interview early on in the trimester, and then another later interview so that progress can be assessed. The feedback you give needs to be detailed in terms of both substance and process. Similarly, since most students produce a variety of written work, take the time to go over at least a couple of examples of each type of work product, pointing out explicitly where the work is effective and where it needs to be improved.

Both giving and receiving feedback can be uncomfortable. However, feedback, which acknowledges effective behavior before it critiques ineffective behavior is easier to communicate and carries more impact. Thus, in any feedback session, you should endeavor to include both types of information.

After a student performs a task, the feedback process consists of two basic steps:

1. The student evaluates their own performance.

Having students evaluate themselves is particularly important when they are performing lawyering tasks that do not involve writing. In performing orally, students do not have the same opportunity to self-correct that they have when they review their own written work. They are often aware, though, of having said or done something ineffective, or they may feel generally dissatisfied with their performance. Before you critique a student, give the extern a chance to discuss these things with you; otherwise, they may change their impressions or forget their own immediate reactions in response to yours. Ideally, while the extern self-critiques, you would sit quietly, neither agreeing nor disagreeing. Thereafter, ask the extern what changes they would make the next time. This question encourages the student to move through the learning process

from performing a task through analyzing it and developing a theory for improved performance. In addition, this process reinforces a pattern of reflective thinking.

## 2. Your Evaluation of the Student's Performance

Begin your critique with a general statement about the student's overall performance. Sometimes it may be difficult to do this and at the same time begin your critique with a positive remark. If the performance was dismal, it is very likely that the student is aware of this. In most cases your general evaluation will not surprise your extern. Follow this general evaluation with a specific critique. General statements such as "Good job," or "You'll do better with practice," are nearly valueless. Like all learners, externs need specific examples demonstrating the behavior being discussed. For example, in discussing a student-conducted interview, your statement, "You developed a nice rapport with your client," needs to be illustrated by concrete data: "I could see that you made the client feel comfortable when you said to her, 'I can see that you are concerned about this, Mrs. Jones, and I am going to do everything I can to assist you.'"

## D. ISSUES

In the vast majority of cases, externships proceed smoothly, with both students and supervising attorneys reaping the benefits of the mentor/student relationship. However, there are occasional surprises.

We ask that you contact your student's supervising professor, should any problems arise during the course of the externship which might require our input. Examples of such issues might be the student's failure to appear timely, the student's inability to accomplish tasks assigned, or an uncomfortable relationship between the extern and yourself or other members of the office. When students raise such issues, we ask that they first contact you in order to discuss them. We will intervene only where the student is unable to discuss them, for one reason or another, or where such discussion proves fruitless. Similarly, should you perceive any problems, we ask that you raise them with the student first. If they are not immediately rectified, we ask that you inform us as soon as possible. If they are issues relating to the student's irresponsibility toward their externship or ethical issues, we ask that you contact us right away in addition to discussing them with the student.

## E. REQUIREMENTS OF SUPERVISING ATTORNEY

In addition to giving the students a valuable learning experience, there are documents that need to be completed in term of their role in the externship program. The Supervising Attorneys' Externship documents are listed below, with corresponding forms attached in the Appendix.

### 1. Supervising Attorney Description and Application of Externship

You are required to fill out a Supervising Attorney Description and Application of Externship. This description/application will be reviewed by the director of the program to compare that the supervising attorney's goals are consistent with the program goals. Should any of the information on your description/application change, such as the number of attorneys in your office, the type of work you do, or the location of your office, it is important to contact our Program Administrator.

## 2. Supervising Attorney Memorandum of Agreement

After reading this handbook, please make sure to sign the Memorandum of Agreement. In the future, you may wish to refer to it from time to time to refresh your memory regarding your specific commitment. (Appendix B.)

In deciding whether to approve an externship placement, we try to be as flexible as possible within parameters which ensure the student a high-quality educational experience. The factors which we consider most important are the variety and type of tasks to which the students are exposed and the quality of supervision and feedback they will receive. Above all, we intend the Memorandum of Agreement to set a tone for your role as a supervising attorney.

## 3. Time Logs

You will need to approve and sign each weekly time log. We require the tasks and assignments to be specific. As an example, "Research- 4 hours" is not enough. We want to know what the student is researching and the amount of time the student is spending on each stage of their research. Please review them carefully to ensure accuracy and to redact any client identifying information.

## 4. Mid-trimester Assessment and Final Evaluations

The Clinical Externship Office will send the mid-trimester assessment and final evaluation directly to you. It is critical that, after completing the evaluation form, you take the time to review the evaluation with your extern. The student will also be required to complete a portion of the mid-trimester assessment. (Appendix E, Appendix F and Appendix G.)

## 5. On-site visits with Externship Professor

During the trimester, the extern's seminar professor will visit your office and have a meeting with you and your extern. This is an opportunity to discuss the learning process, supervision, feedback, etc.

## F. REQUIREMENTS OF STUDENT EXTERNS

Our students receive 5-10 units of credit for their externship, 1 unit of credit for every 4 hours of externship. These credits are pass/fail; therefore, your evaluation of their work will not affect their grade, unless it involves a breach of their professional responsibility. Students also receive one unit of graded credit for the academic component of the course, which includes their reflective essays, private meetings with an externship professor, and attendance at their weekly Externship Seminar. Brief descriptions of these requirements are described below.

### 1. Weekly Reflective Essay

Externs are required to write about their externship experiences at their externship. We ask them to write not only about what they have done, but about what they are learning. The students' reflective essays writing forces them to reflect upon the legal system and their place within it, in addition to their individual progress and accomplishments. Please note that these reflective essays are kept confidential.

### 2. Private Meetings

Private meetings with students and externship professor will be scheduled two to three times during the course of the externship. During these meetings, students discuss their externship experiences, including what they are doing, as well as what they are learning and in addition, each student is welcome to discuss issues of career choice, academic counseling, etc.

### 3. Externship Seminar

The focus of the externship seminar will involve such questions as what is the role of the extern, feedback issues, professional identity and ethical situations and issues of justice including race, ethnic and gender identities.

### 4. Confidentiality Agreement

All communications shared in the externship seminar and between the supervising professor and student are held in the strictest confidence. Each student is required to sign and submit a Confidentiality Agreement (Appendix I)

We very much appreciate your willingness to participate in training our students to be competent and ethical attorneys. Supervising attorneys are welcome to attend any seminar classes and are encouraged to volunteer as guest speakers. Should there be anything we can do to facilitate your efforts in achieving our goals for the Externship Program, please let us know.

## **APPENDIX**

APPENDIX A - SUPERVISING ATTORNEY DESCRIPTION AND APPLICATION OF EXTERNSHIP

APPENDIX B – SUPERVISING ATTORNEY MEMORANDUM OF AGREEMENT

APPENDIX C - ORIENTATION CHECK LIST

APPENDIX D - EXPERIENCE CHECK LIST

APPENDIX E - MID-TRIMESTER ASSESSMENT

APPENDIX F - FINAL EVALUATION OF STUDENT'S PERFORMANCE

APPENDIX G - STUDENT EVALUATION OF PLACEMENT

APPENDIX H –WEEKLY TIME LOG

APPENDIX I - CONFIDENTIALITY AGREEMENT

**SUPERVISING ATTORNEY  
DESCRIPTION & APPLICATION OF EXTERNSHIP**

NAME OF SUPERVISOR: \_\_\_\_\_ DATE: \_\_\_\_\_  
NAME OF FIRM/CORP/AGENCY \_\_\_\_\_  
ADDRESS \_\_\_\_\_ CITY/STATE/ZIP \_\_\_\_\_  
PHONE (\_\_\_\_) \_\_\_\_\_ EMAIL \_\_\_\_\_

1. How many years have you been practicing law?
2. How many attorneys practice law in your office?
3. Describe your law practice (e.g., family law, real estate, bankruptcy, criminal, etc.).
4. Why are you interested in supervising an extern?
5. Have you supervised an extern before? Yes  No  If yes, please explain.
6. What type of skills would an extern develop at your office?
7. Please describe how you plan to supervise the extern on a weekly basis?
8. What would be the duties of the extern?

9. Would other attorneys in the office supervise the extern? If so, please provide their names and describe the extent of their involvement with the extern and your role in overseeing such work.

10. Would the extern have the opportunity to be certified and represent clients in court? If so, please describe the opportunity.

11. Please describe the workplace where the student will be situated (e.g., private office with telephone, desk computer, access to support staff, etc.).

12. As you know from reading our Supervising Attorney Handbook, the role of an extern is distinct from the role of a law clerk. Will you be hiring paid student law clerks to work at the same time as the extern?

Yes  No

13. Describe any criteria you have for choosing an extern (e.g., class rank, course requirements/recommendations, writing sample, transcript, etc.)

14. Externship hours preferred: Full-time  Part-time  Flexible

SUPERVISING ATTORNEY  
MEMORANDUM OF AGREEMENT

**Firm/Agency/Company:**

**Supervising Attorney:**

I/we agree to the following conditions for participating in the California Western School of Law Clinical Externship Program.

1. I/we have read the Supervising Attorney Handbook and agree to follow the education goals stated therein.
2. I/we understand that the purpose of the program is to allow the student to experience working as a lawyer, including the ethical and professional responsibility issues that arise in context.
3. The student will be given assignments that are representative of the Supervisor's work. Where appropriate, the student will be certified and, to the extent possible, will be responsible for a caseload under my/our supervision.
4. The student's assignments will be as challenging as the student can reasonably handle.
5. The required working time for the student is 4 hours/week per unit of credit. I/we agree to review and sign the student's time logs on a weekly basis.
6. Students will always do research in the context of a real case. When assigning research, any relevant case file will be made available to the student.
7. The student will participate in all aspects of cases including, but not limited to, client interviewing, counseling, case planning, discovery, fact investigation, trial preparation, and trial.
8. The assignment, work, and feedback process will be in accord with the Supervising Attorney Handbook.
9. Externs will have access to support staff substantially equal to the attorneys in the office. Clerical tasks, e.g., filing, photocopying, library updating, indexing, will occupy not more than 5% of student work time.
10. I/we understand students are prohibited from receiving compensation for their externship hours.
11. I/we agree not to bill clients for the time and work performed by student externs.
12. I/we agree to complete, review with the student, and submit both a mid-trimester assessment and final evaluation of the extern's work (forms to be provided by the law school), as well as to participate in a mid-trimester site visit meeting with faculty supervisor and student.

Signatures of all attorneys who will supervise students.

Signature of Supervising Attorney: \_\_\_\_\_ Date: \_\_\_\_\_

Name of Supervising: \_\_\_\_\_

Signature of Supervising Attorney: \_\_\_\_\_ Date: \_\_\_\_\_

Name of Supervising: \_\_\_\_\_

## ORIENTATION CHECK LIST

On the extern's first day, please make sure to review the following:

1. The function of your agency, office, or organization;
2. The role of the student extern in the functioning of the office;
3. The nature of the student's work;
4. Relevant office policies and chain-of-command;
5. Schedule for weekly meetings with the student;
6. The student's expectations for the externship;
7. The student's work schedule;
8. Layout of the office and library and introduction to others;
9. Showing the student their workspace; and,
10. Explanation of the first assignment.

## EXTERNSHIP PROGRAM - EXPERIENCE CHECK LIST

### LITIGATION

- Meeting with clients
  - Initial interviews
  - Follow-up communications--phone & correspondence
  - Initial fact investigation (informal discovery, pre-litigation)
  - Fees and retainer discussion
- Legal Research
  - Memo drafting
  - Case planning & strategizing
- Legal Drafting (complaints, answers, motions)
  - Filing documents with court
- Discovery interrogatories, requests for production of documents, etc.)
- Depositions (prepare, observe, participate)
- Trial preparation
  - Trial strategy--theory of case
  - Preparation of documents, organization
    - Of case material
  - Client/witness preparation
  - Pre-trial motions
- Negotiation
  - Preparation, observation
  - Arbitration
  - Strategy--theory of case
  - Preparation of documents, organization of case material
  - Client/witness preparation
- Mediation
  - Preparation, observation
- Settlement Conference
  - Preparation, observation
- Trial Observation and Participation
  - Voir dire, opening, direct, cross, closing
  - Preparation of court orders

### APPELLATE

- Meetings with clients
- Planning and strategizing
- Formulation of arguments
- Research
- Drafting
- Observation

### APPELLATE Cont'd

- Oral argument

### TRANSACTIONAL

- Meetings with clients
- Initial interviews
- Follow-up communications
- Information gathering
- Research
- Document drafting
- Meetings and other communications with other parties/counsel

### IN-HOUSE COUNSEL

- Litigation Management
- Compliance—research, investigation, reports
- Governmental Filings
- Advising clients
  - Meeting with client
  - Fact gathering
  - Legal research
  - Memo or report drafting
- Meeting attendance
  - Board meetings
  - Staff meetings

### JUDICIAL

- Court observation—trials, motions, appellate arguments
- Meeting with judge
- Research
- Drafting
- Settlement conference
- In-chamber meetings

### GENERAL

- Staff meetings
- Bar meetings and conferences
- Exploration of ethical issues
- Office social gatherings
- Conflict of interest management
- Billing (how it is done at the office)

**MID-TRIMESTER ASSESSMENT**

Extern: \_\_\_\_\_ Trimester/Year: \_\_\_\_\_  
Agency/Office/Court: \_\_\_\_\_  
Supervising Attorney/Judge: \_\_\_\_\_ Date of visit: \_\_\_\_\_  
Site Visitor: \_\_\_\_\_

1. What are the extern’s goals?
2. What has the extern accomplished?
3. Describe the quality and level of extern’s work?
4. How does the extern fit into the office environment (e.g. punctuality, reliability, initiative, enthusiasm, confidence, ability to work with others)?
5. How is feedback given to the extern?
6. a. Supervising Attorney: What are the goals for the extern for the remainder of the trimester? If possible, identify areas for the extern's improvement.  
  
b. Extern: What are the goals for the remainder of the externship and the plans for accomplishing them?
7. What, if any, challenges have you faced supervising an extern online?
8. How can the Externship Program help you meet these challenges?
9. What issues would you like to discuss at the site visit?

**This form must be returned to your supervising professor prior to the site visit.**

## EVALUATION OF STUDENT'S EXTERNSHIP PERFORMANCE

Extern: \_\_\_\_\_ Agency/Office/Court: \_\_\_\_\_  
Supervising Attorney/Judge: \_\_\_\_\_ and/or \_\_\_\_\_

1. Please comment upon the following aspects of the student's written/oral work, giving specific examples to illustrate your comments.
  - a. The student's ability to grasp the underlying principles of their work (i.e., what tasks have been addressed by the student and how did they perform?)
  - b. How the student's work compares with what you would expect from a new attorney.
2. Please describe the student's progress from the beginning of the Externship to this point, using specific examples.
3. Please describe the student's work habits and professionalism (e.g., punctuality, reliability, initiative, enthusiasm, confidence, ability to work with others, giving specific examples, if possible.
4. Please describe the student's sensitivity to professional responsibility and ethical issues, giving specific examples if possible.
5. What suggestions do you have for the student's improvement? Please be specific.

If applicable:

6. Overall, did you experience any challenges supervising the student online?

\_\_\_\_\_  
Signature and title of person completing this evaluation

\_\_\_\_\_  
Date

I have received a copy of this evaluation, read and reviewed it with my supervising attorney.

\_\_\_\_\_  
Signature of Extern

\_\_\_\_\_  
Date

**THE EXTERN'S EVALUATION OF PLACEMENT**

Term: \_\_\_\_\_ Year: \_\_\_\_\_

Extern (optional): \_\_\_\_\_

Units: \_\_\_\_\_

Hours per week: \_\_\_\_\_

Agency/Office/Court: \_\_\_\_\_

Supervising Attorney/Judge: \_\_\_\_\_ and/or \_\_\_\_\_

**Please evaluate the following areas of your externship. Your comments will assist the Clinic Faculty and prospective externs wishing to work at this externship.**

1. What was the quality of your learning experience? **(1 = poor; 5 = excellent)**

a. Variety of work 1  2  3  4  5

Comments:

b. Challenging projects 1  2  3  4  5

Comments:

c. Manageable workload 1  2  3  4  5

Comments:

d. Level of supervision 1  2  3  4  5

Comments:

e. Feedback 1  2  3  4  5

Comments:

- f. Were you prepared for the types of assignments you received from your supervising attorney? Yes  No

What else was needed?

2. How was your relationship with your Supervising Attorney and other staff members?

3. Were your expectations met?

(based on what the supervising attorney told you during the interview/orientation)

4. What part of the externship did you like best? Why?

5. What are the drawbacks of this externship?

6. Would you recommend this externship? Yes  No

Why?

7. What skills did you learn at your externship? (Please be specific)

8. What did you learn about being a lawyer?

9. What other things did you learn?

If applicable:

10. What types of challenges did you experience externing online?

APPENDIX H

<b>SAMPLE TIME LOG</b> <b>WEEKLY TIME LOG</b>			
<b>Week: 4 (1/23 to 1/27)</b> <b>Extern: Student 1</b> <b>Professor: Weinstein</b> <b>Externship: ABC Law Firm</b> <b>SA Signature: s:/ Supervising Attorney 1</b> <small>Please do not calculate time in less than 15 minute increments</small>			
DATE	TASKS/ASSIGNMENTS	TIME	TOTAL
23-Jan	Check emails for assignments Review voicemail and return calls Complete Performance Action memo (draft 1) Research and write memo re: volunteer vs. gratuitous services Read magazine article relating to case Met with SA re: feedback on performance action mem revising Privacy Act memo (draft 2)	0.5 1 2 3 0.5 .75 .75	8.5
24-Jan	Check emails for assignments & prioritize assignments Work on status report Meeting with Ana re: volunteer vs. gratuitous services & whether gratuitous services apply to retirees Read resource book for guidance Proofread SOW for 2563 Read chapter 1 - 3 Trademark Registration Practice Continue working draft of memo for Privacy Act	0.5 1.5  1 1.25 1.5 0.5	6.25
25-Jan	Check emails for assignments & prioritize assignments Meeting with Chris re: upcoming trial. Meeting with SA re: work assignments and schedule Research Hawaii state law re: issues in misconduct Continued research & revised memo re: Privacy Act Ethics: Read 3 articles in California Lawyer magazine Review 2 ethic opinions	0.25 0.75 0.75 1.25 1 0.75 1.25	6
26-Jan	Schedule weekly meetings/appointments Check and read emails re: assignments Made revision on declaration from client intern #1 Reviewed memo of Points & Authorizes: K issue Read document re: Freedom of Information Act (FOIA) issue and report findings to SA	0.5 0.5 1.25 2 1.75	6
27-Jan	Called in sick. Used 1 out of 2 sick days	6	6
		Total	32.75

## CONFIDENTIALITY AGREEMENT

\_\_\_\_\_20\_\_  
(Trimester)

### **Confidentiality of Oral Communications by Participants in the Externship Seminar**

I understand that oral communications made by me, other students in the Seminar, the professor and any other participants in the Seminar may be of a sensitive nature and are to be held in the strictest confidence. I agree to maintain the confidentiality of all such communications and information and will not disclose or discuss any such matters to anyone who is not currently enrolled in this section of the Externship Seminar.

### **Confidentiality of Written Reflective Essays by Participants in the Externship Seminar**

I understand that the written reflective essays that are distributed to the participants in the seminar may be of a sensitive nature and are to be held in the strictest confidence. I agree to maintain the confidentiality of the written reflective essays and will not disclose or discuss them or the contents of them with anyone who is not currently enrolled in my seminar section.

### **Confidentiality of Client, Client Information, and Externship Placement Matters**

I understand that I must maintain the confidentiality of information relating to the representation of a client to the same degree as a lawyer admitted to practice law in the State of California. I further understand that communications from my supervising attorney related to a client matter are likewise confidential. I agree to maintain the confidentiality of the identity of clients, any identifying information, and all other client information and communications that reasonably should not be disclosed.

---

Signature \_\_\_\_\_ Print Name \_\_\_\_\_ Date \_\_\_\_\_

*Please turn in the signed copy to your professor and keep a copy for your records.*