

DUKE LAW

Office of
Public Interest
and Pro Bono

**Externship Program
Supervising Attorney Handbook**

Fall 2014

About the Duke Law School Externship Program

The objective of the Externship Program is to provide experiential learning opportunities for law students to engage in and reflect on the practice of law by engaging in “real world” practice under the supervision of a licensed attorney. Through externships, students develop lawyering skills, learn about and apply substantive law, and build professional identities by observing and participating in hands-on law practice. Supervising Attorneys – as mentors, role models, teachers and supervisors of students’ work and professional development – are critical to the educational mission of the Externship Program.

The amount of credit awarded for the field placement component of a student’s externship is based on the number of hours that the student works during the semester in the externship placement, with 1 credit awarded for every 50 hours of work. The expectation is that a student will work in the externship placement over the course of the entire semester, with 1 credit of work correlating to approximately 4 hours in the placement each week. Students may opt to enroll in 1 to 4 credits of externship per semester; most students opt for 2 or 3 credits (100 or 150 hours of fieldwork, respectively). Except with permission, and only in exceptional circumstances, a student may not enroll in more than one semester with the same externship placement.

In addition to the hours spent working in the externship placement, student externs are required to submit biweekly reflection papers and hours logs to the Externship Program Administrator. The biweekly reflection paper topics and due dates are noted on the course syllabus (available online at: law.duke.edu/publicinterest/externship).

A student participating in an externship must have completed or be currently enrolled in a Professional Responsibility/Ethics course. This requirement may be waived with permission from the Externship Program Administrator, provided that the extern gives notice to the supervising attorney.

A student participating in an externship may not earn a salary or receive other compensation for the work performed in the placement, except for reimbursement for travel and other work-related expenses required by the placement entity.

The Duke Law School Externship Program is administered by:

Kim Bart
Assistant Dean, Public Interest & Pro Bono
Externship Program Administrator
(919) 613-7130
Bart@law.duke.edu

With the support of:

Susanna Epling
Coordinator, Public Interest & Pro Bono
(919) 613-8539
Susanna.Epling@law.duke.edu

Expectations of Externship Supervising Attorneys, and Best Practices for Working with a Student Extern

Thank you for your willingness to supervise Duke Law students in their externships. By providing direction, feedback and role-modeling, you will contribute directly to the educational development of Duke Law student externs. Externships provide an opportunity for students to learn through experience, and thereby develop knowledge, key skills and important professional attributes that will help them excel in the practice of law and contribute significantly to the profession.

The key professional development tools for students to acquire competencies in the practice of law – including knowledge of substantive law, practice-related skills, analytical skills, client service, professionalism and leadership – are meaningful work assignments, close supervision, and regular feedback/evaluation supported by mentoring and coaching.

Initial Student-Supervising Attorney Meeting

Student externs and supervising attorneys are asked to meet within the first week of a student's externship in order to discuss the student's learning goals for the semester and to fill out and sign the Extern/Supervising Attorney Statement of Externship Expectations Form (available online at: law.duke.edu/publicinterest/externship). Even if multiple attorneys within the externship placement may be working with a student extern, one attorney should be designated as a student's primary supervisor. The primary supervisor should coordinate the student's work assignments, describe and enforce the placement's expectations of the student, and be available for student questions. Supervisors are encouraged to set up a weekly "check-in" with student externs in order to review student progress on work assignments, and to provide feedback and guidance.

Work Assignments

So that both the organization and the student will have a good externship experience, it is essential that a supervising attorney adequately define and explain work assignments. Each assignment to a student extern should:

- Adequately describe the desired form of the finished work product, i.e. a formal memo, an emailed summary, a bullet-point list, a draft order, an oral briefing/report back, etc. Be sure to clarify whether you would like the student to attach their research with the completed assignment (such as a copy of all cases referenced), or just supply the final assignment. Specify expectations for the work product, such as "bluebooking."
- Provide sufficient factual and contextual background so that the student understands how the assignment fits into the "larger picture." Supervisors should clearly explain the purpose or objectives of the assignment, and tell the student how his or her work product will be used by the attorney.
- Provide a deadline for the student that represents a realistic timeframe for completion. Keep in mind that student externs typically have a significant learning curve to overcome in completing assignments, which will require extra time.
- Suggest or provide resources to the student, such as a sample motion format or a specific case from which to start their research.

Initially, extern student work assignments should help a student develop a foundation of basics in the law and practice of the organization, and progressively increase in complexity and responsibility over the course of the semester. Externs should receive a variety of assignments that allow them to practice different facets of the organization's legal practice. Although lawyering tasks vary among different offices, consider including an extern – either as an observer or participant – in experiences such as:

- Legal research
- Brief, memo or pleadings drafting and filing
- Client interviewing and counseling
- Witness interviewing and preparation
- Fact investigation; discussion of case strategy
- Depositions
- Meetings with co-counsel
- Negotiations with opposing counsel
- In-chambers discussions or staff meetings; and
- Hearings and/or trials.

Observational assignments – such as inviting a student extern sit in on a meeting or hearing – can provide valuable learning opportunities. A supervisor should prepare and debrief with the student before and after observational assignments, in order to ensure that a student derives an educational benefit from the experience. Before the meeting or hearing, be sure to describe to the student extern what she or he should expect from the experience, who will be involved, and what role you expect the extern to play – including how to dress, where to sit, and what to say (if anything). After the meeting or hearing, an attorney should debrief with the student in order to review and assess what happened or what was accomplished during the activity.

Feedback/Evaluation

Externs should receive timely feedback on *every* completed assignment from the assigning attorney. Feedback should be constructive, timely and specific. Supervisors may be reluctant to critique a student's work, but externs need and actually *want* honest, constructive feedback.

Supervising attorneys should invite student externs to meet with them specifically to review work assignments. In providing feedback to a student, a supervisor should first provide an overall assessment of the work, before discussing details. When providing detailed feedback, supervisors should lead with the positive – highlighting that which the student did well – and follow with one or two points of criticism and advice on how the student might improve his or her performance in subsequent work assignments.

Supervising attorneys have an opportunity to help students develop their reflective learning skills by inviting student participation in the process of providing feedback on work assignments. Supervisors are encouraged to ask externs to self-evaluate their work product – asking a student what he or she thinks was done well, or aspects of the assignment where the student feels he or she may have come up short or experienced challenges – before sharing feedback from the supervisory perspective. A student often will self-identify criticisms of his or her own work, making it easier for the supervising attorney to engage in discussion and feedback on how a student could improve his or her work next time around.

Working with Duke Law School

Duke Law School is committed to working with externship supervising attorneys and externship host organizations in order to ensure that Duke Law student externs are engaged in high-quality externship experiences that benefit the students as well as the organization. Kim Bart, Duke Law School's Externship Program Administrator, is available to: provide training to supervising attorneys on effective supervision techniques; assist with providing students with effective feedback; discuss how best to address a student who may be underperforming; and assist with any other concerns that may come up when working with a Duke Law extern, or regarding the Duke Law Externship Program. Duke Law School is eager to support you, as a supervisor of student externs, and is grateful for your work with our students. Please do not hesitate to call upon us for assistance.

Externship Program Forms to be Filled Out by Supervising Attorneys (available online):

1. Extern/Supervising Attorney Expectations Form: due after the student's first day in the Externship (student is responsible for setting a meeting time to review this form)
2. Extern Final Evaluation: due from Supervising Attorney after student's last day in the Externship (Dean Bart will email this form to Supervising Attorneys at the end of the semester)

Other Externship Program Forms (available online):

3. Site Visit Form: to be filled out by Duke administrator, after mid-term site visit
4. Externship Course Syllabus: including bi-weekly reflection paper topics and due dates
5. American Bar Association (ABA) Rule 305, regarding Study Outside the Classroom
6. US. Dept. of Labor "Fact Sheet" #71: Internship Programs Under the Fair Labor Standards Act (for externship placements that are 'for profit' entities)
7. NC Bar Rules Governing Practical Training of Law Students
8. Duke Law School's Non-Discrimination Policy

To review these forms, please visit the Duke Law Externship Program webpage at:
law.duke.edu/publicinterest/externship