



COLORADO LAW  
UNIVERSITY OF COLORADO **BOULDER**

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SCHADEN EXPERIENTIAL LEARNING PROGRAM

**Manual for Externship Supervisors**

Dear Externship Supervisor,

Thank you for serving as a supervising attorney for a Colorado Law student extern through the Schaden Experiential Learning Program. With over 200 externship placements each year, Colorado Law's Externship Program is one of the primary sources of experiential learning outside of the Clinical course offerings. The majority of Colorado Law students enroll in at least one externship during their time in law school, and we expect this demand to grow as the value of experiential learning becomes more recognized and as the requirements for experiential credits increase.

At Colorado Law, our externs work exclusively in public interest placements, working for government and non-profit agencies, as well as with judges at all levels. By working with the Supervising Attorney and having legal responsibilities, such as drafting briefs and legal memoranda, performing legal research, appearing in court, and interviewing clients and witnesses, the student extern gains the practical and professional skills and professional values needed to become a successful attorney.

The Manual for Externship Supervisors reflects the ABA requirements for the conduct of externship programs, as well as Colorado Law's ideals for the supervision of externs in their placements. This manual articulates the standards we expect our extern supervisors to follow and highlights best practices in extern supervision. We recognize and appreciate the demands on your time and understand that supervision of a law student adds to your duties and responsibilities. As we work to develop meaningful and exciting externship placements, we hope you will offer us your suggestions and feedback.

The success of our Externship Program depends on the strength of our supervising attorneys. We are grateful for the time and effort you devote to supervising and mentoring externs in your office. Thank you!

Sincerely,

Experiential Learning Program  
University of Colorado Law School

## **EXPERIENTIAL LEARNING**

Experiential learning approaches are recognized as an integral component of a legal education.<sup>1</sup> Colorado Law offers students the opportunity to earn academic credit while working without pay as externs for practicing non-profit attorneys and judges through our Externship Program. In an externship, the supervising attorney plays a critical role in the students' education; in a real way, externship supervisors are an extension of the law school's teaching faculty. Colorado Law partners with field placement supervisors to ensure that our students receive a quality educational experience.

Students in an effective externship will learn in at least four important areas:

1. First, we anticipate that students will **improve their legal skills**. Placement sites vary. At some placements students will significantly expand their legal analysis, research, and writing skills. At other placements, the focus might be on negotiation skills, client communication skills, or courtroom demeanor. Some placements are litigation focused, while others expose students to transactional or policy practices.
2. Second, students will **increase their knowledge of a substantive area of law**, such as criminal law, environmental law, employment law, or administrative law.
3. Third, an externship **exposes students to the mission of a government agency, court, or non-profit entity** and students see first-hand how the organization accomplishes its mission.
4. Finally, externships **socialize students** as they develop their professional identities. These identities may be modeled in part upon their experiences in externships.

In order to maintain compliance with the ABA Rules, credit for a field placement/externship must be commensurate with the time and effort required and the anticipated quality of the educational experience of the student. Colorado Law students earn 1 credit for every 50 hours worked during the externship. Generally<sup>2</sup>, students in an externship can elect to earn 2 credits (100 work hours), 3 Credits (150 work hours), or 4 credits (200 work hours) during a single semester.

During the externship program, contact must be maintained between the Director of Experiential Learning, the Externship Student, and the Site Supervisor. This is designed to ensure that the quality of the student educational experience satisfies Colorado Law and ABA requirements.

We thank you for your willingness to become directly involved in the externs' education and ask that you choose assignments that will hone and expand their skills and provide feedback which will allow them to learn efficiently from their experiences. To help externs reflect on their new experiences, Colorado Law and ABA rules require externs to engage in a reflective component, often encouraging them to keep reflective journals, turn in periodic reports or attending related classroom sessions. To further foster meaningful reflection, we hope that you will discuss with them your professional mores, and the values that drive you to perform as a professional. Finally, we ask that you act as mentors and role models, helping the externs develop their own internal sense of professional commitment, responsibility, and identity.

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<sup>1</sup> See, *Educating Lawyers: Preparation for the Professional of Law*, Sullivan, Colby, Wegner, Bond, Shulman, Carnegie Foundation.

<sup>2</sup> Colorado Law offers students the opportunity to participate in a full-time, semester-long externship where a student can earn 7 credits in one semester at a Colorado placement, or 10 credits in one semester at a national or international placement.

## **DEVELOPING STUDENT EXTERNS**

Learning from experience is critical for externs to increase and hone the knowledge, skills, and attributes (referred to collectively as “competencies”) that they need to become attorneys and to excel in the practice of law. As the supervising attorney, you are essential in creating that learning opportunity and providing much-needed experience. It is also our hope that the investment you make in developing your extern will serve you and your organization as the student’s competency and ability to take on progressively more complex tasks grows.

While no list critical skills needed to practice law exhaustive, students should have an opportunity to observe and develop a range of skills during their externships. To facilitate this development we focus on a comprehensive set of ten key competencies.

The first five competencies relate to the *legal skills essential to the substantive practice of law.*

1. Knowledge of the Law (researching and finding the law, knowing general substantive and procedural law, developing subject-matter expertise)
2. Marshalling Information (fact finding, questioning and interviewing, collecting and reviewing documents, e-discovery, organizing and categorizing information)
3. Analysis (critical review, reasoning, problem solving, understanding what facts mean, understanding what the law means, and applying the law to the facts)
4. Legal Expression (persuasive or objective oral and written communication of analysis, positions, opinions, arguments, and recommendations)
5. Practice Skills (executing practice-specific tasks such as, in litigation, taking depositions, arguing motions, and trial tactics; or, in transactional work, negotiating, drafting agreements, conducting due diligence, and counseling clients)

The other five competencies relate to the *intrinsic professional skills that underlie a successful practice.*

1. Professionalism (maintaining integrity and honesty, diligence, civility, ethics, diversity, mistake management)
2. Client Service (building client relationships; understanding the client’s business, interests, and needs; providing advice and counsel; and building trust)
3. Leadership (communicating, influencing others, creative problem solving, collaborating, building consensus, envisioning, planning, and mentoring)
4. Management (communicating, giving feedback, planning and implementing tasks, organizing and managing one’s own work, working effectively as part of a team, organizing and managing others, and running the “business” side of the practice of law)
5. Networking (developing strategic relationships)

The key professional development tools for acquiring these competencies are work experience, feedback and evaluation, mentoring and coaching, and training.

1. Work assignments are an especially effective professional development tool, particularly when the assignments build on a solid foundation in the basics and progressively increase in complexity and responsibility.
2. Feedback provides the most meaningful opportunity for professional development. Students need to receive constructive, timely, and specific feedback on an ongoing basis. It is important for the feedback to be both corrective and positive so students can build on what they are doing well and improve in the areas that are weak.
3. Mentoring and coaching (formal or informal one-on-one intensive relationships, whether long- or short-term) are essential but need to have a specific focus. Most students succeed when a single key skill they want to improve, such as writing, oral advocacy, or time management, is identified.

Mentoring should start where the student is and move him/her/they along the development continuum to the desired goal.

4. Training includes in-house programs, seminars, workshops, and clinics. To be effective, training should be interactive and go beyond the lunchtime conversation. Ideally, students will think about the material, practice the specific skill during the semester, and continually apply what they have learned to the work assigned.

### **TECHNIQUES FOR EFFECTIVE EXTERN SUPERVISION**

A bit of anticipation and preparation will add greatly to the externship experience for all involved.

Here are some that will be useful as you prepare for and work with your externs.

1. Be Prepared for the Externs' Arrival --- Orient Yourself, Your Office, and the Extern
  - a. Before the extern arrives:
    - i. Determine what desk, telephone, and computer the extern will use.
    - ii. Gather office keys, restroom keys, copier codes, computer passwords, and office manuals that the extern might need.
    - iii. **Determine for whom the extern will be completing assignments. If the extern has more than one attorney whom he or she will be working with, the Supervising Attorney will still be responsible to provide supervisory oversight, help prioritize assignments, and serve as the point of contact with the school.**
    - iv. Determine which support staff the extern can rely upon if needed.
    - v. Request an office e-mail account if appropriate.
    - vi. Prepare a first assignment and gather the files, samples, and other materials the extern will need to get started. Externs are anxious to provide meaningful assistance from day one!
    - vii. Plan ahead for the extern to shadow supervisors at upcoming hearings, meetings, or conferences.
  - b. Orientation: *Orientation to the Office*
    - i. Provide an office tour and staff introductions.
    - ii. Tell the extern how to contact his/her supervisors, including providing cell phone numbers if appropriate.
    - iii. Explain the office's mission and structure and discuss any broader issues that are critical to serving the mission or client population.
    - iv. Explain the role that externs play in furtherance of these issues.
    - v. Have a conversation about confidentiality; if your office uses a confidentiality agreement with externs discuss it and have the extern sign it. Remind externs of the confidentiality policy often.
    - vi. Brief the extern about office protocols regarding attendance, punctuality, security, safety emergency procedures, filing systems, routing of phone calls, dress code, computer usage, Lexis/Nexis, etc.
    - vii. Ask the extern to post his/her work hours, e-mail address, and cell phone contact number near his/her desk.
    - viii. Ask the extern to provide you with any paperwork required by Colorado Law; for instance, the Field Supervisor Externship Report at the conclusion of the externship.
    - ix. Invite the extern to upcoming staff or client meetings or other events.
    - x. Schedule a time within the first few days to have a conversation with the extern in which the goal is simply to get to know one another. As in any work situation, time

spent establishing a cordial working relationship with your extern will help make it easier for you to understand each other's work style and meet each other's expectations.

- xi. Give the extern the first assignment, including a due date, what form the assignment should take (formal memo, email summary, oral briefing, etc.)

c. Within the First Two Weeks:

- i. Colorado Law students are required to attend a mandatory Orientation/Goal Setting Session at the beginning of the semester of their externship. During that session, externs are directed to establish learning goals for the semester with measurable objectives to serve as a guide to the externship. Whether or not your extern has been asked to draft learning goals, you may want to meet with him/her to discuss educational goals for the semester. This will allow you and the extern to have a mutual understanding regarding the kinds of work and experiences that will be available to the extern.

d. During the Final Week of the Semester:

- i. Colorado Law students are required to attend a mandatory Exit/Debriefing Session at the conclusion of the semester. During that session, externs are required to reflect upon the experiences of the semester, addressing how their goals were or were not met and reflect with their peers on what they gained from the experience. Prior to filling out the Final Supervisor's Report, you may also want to engage with the student in a reflection on how the externship may have impacted the student as a learning exercise.

2. Teaching Law Students in the Field: Adequately Define and Explain Work Assignments

- a. Even if multiple attorneys are assigning work, a single person should be designated to act as a "clearinghouse" through which assignments are channeled. That attorney should review the proposed work before it is assigned, ensure that externs do not have too much or too little work, and ensure that an extern is receiving a variety of assignments.
- b. Assignments should:
  - ii. include an adequate description of the work required, including the desired form for the finished product, i.e., an overview outline, a detailed memo with copies of cases, a draft order, an oral briefing, a declaration, etc.
  - iii. provide a sufficient factual and contextual background
  - iv. clearly explain the purpose or objectives of the assignment
  - v. provide a realistic time frame for completion (triple the amount of time you think it might take you)
  - vi. suggest available office or library reference materials ("I'd start with the Rutter Guide to orient yourself to...; a sample contract format can be found at...")
  - vii. include whether you will be available for questions along the way and, if not, who the extern should consult and how (e-mail, phone, in-person, etc.).

3. Arrange Weekly Meetings to Check in With Your Externs

Schedule a weekly "standing appointment" to meet individually with your externs to check in, review completed work, address any problems, and discuss future assignments.

4. Provide Timely and Constructive Feedback on All Assignments<sup>3</sup>

- a. **Providing Timely Feedback** – Externs should receive timely feedback on every *completed assignment* from the assigning attorney. One supervision model suggests that supervision should be FAST:
  - Frequent** – the weekly meetings work well to assure the frequency of feedback
  - Accurate** – describe actions or behaviors that can be addressed, in other words focus on conduct not the person
  - Specific** – pinpoint discrete identifiable points to be replicated or improved upon
  - Timely** – if too much time passes, externs are likely to repeat their mistakes
- b. **Providing Constructive Feedback** – you may be reluctant to critique an extern’s work but externs need, deserve, and actually *want* honest feedback. Without feedback, externs often assume that "no news is good news," and will continue to repeat the same errors unless they are given specific suggestions regarding how to improve.
  - viii. Lead with the positive – the goal is to highlight a particular success (be it a paragraph or an aspect of a presentation) so that it can be reinforced and replicated. Recognition of something that was well done can be a powerful motivator.
  - ix. Provide a limited number of suggestions for improvement at any given time.
  - x. Plan what you want to communicate in terms of content and the manner in which you will say it.
  - xi. Check for understanding by posing a question or comment that allows the extern to show he/she can incorporate the suggestions going forward.
  - xii. Remain open to the possibility of improvement. Occasionally an extern’s work does not measure up and a natural inclination may be to give the extern less demanding work. However, the extern’s placement with you has an educational purpose; allowing the opportunity to demonstrate learning is critical to the extern’s professional development.

Externs are encouraged to engage with you in a collaborative supervision mode, not a passive one. We suggest that you encourage externs to assess their own work, to identify and discuss what they found challenging, and to suggest their ideas as to how the work could be improved.

5. Create Opportunities for Learning

Students are motivated to do their best work when they understand the intrinsic value of the task they have been given, and also see where that task fits into the larger picture of the work of the office. In addition to giving your extern research and writing assignments, make sure to invite him/her to observe you, and/or co-workers, in the full panoply of lawyering tasks that you engage in yourself.

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<sup>3</sup> The Student Mid-Semester Self-Analysis and Student Final Externship Report, available on the Colorado Law Externship website, are useful reference tools when considering what type of feedback to provide externs with. The broad topics for evaluation are: Research and Analytical Skills, Writing Skills, Legal Knowledge, Oral/Advocacy Skills, Ethical Concerns, Attitude and Work Habits, and Professionalism.

Although lawyering tasks vary among different law offices, if your office engages in all or some of the activities described below, consider including the extern, either as observer or participant:

- a. Client interviewing and counseling
- b. Witness interviewing and preparation
- c. Fact investigation
- d. Case strategy discussions
- e. Depositions
- f. Due diligence
- g. MCLE events
- h. Meetings with co-counsel
- i. Negotiations with opposing counsel
- j. In-chambers discussions or staff meetings
- k. Hearings and/or trials

6. Keep the lines of communication open

No matter how informal and friendly your office may be, be aware that there is a significant imbalance of power between supervising attorneys and externs. Most externs are aware of their place in the office hierarchy and may be reluctant to ask questions or seek advice for fear of appearing incompetent. When you make every effort to create and maintain a comfortable and effective working relationship, the externs' educational experiences and their contributions to your office will be maximized.

7. What to Expect from the Law School Externship Director

The Director of Experiential Learning is here to support you. As a law school, we are happy to provide training for you and your office on effective supervision techniques, to assist you with giving feedback, to brainstorm how to address a student who is underperforming, or any other concerns you might have about an extern or the program.

A site visit will be arranged periodically so that you can meet with the Director. The purpose of the site visit is to maintain open communication between the placement and the law school and to model collaboration for the externs. Colorado Law is eager to support you and we are grateful for your work with our students; please do not hesitate to call upon us for assistance.

**Contact Information** for the Director of Experiential Learning:

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## **Standard 304. EXPERIENTIAL COURSES: SIMULATION COURSES, LAW CLINICS, AND FIELD PLACEMENTS**

1. **(a)** Experiential courses satisfying Standard 303(a) are simulation courses, law clinics, and field placements that must be primarily experiential in nature and must:
  - (1)** integrate doctrine, theory, skills, and legal ethics, and engage students in performance of one or more of the professional skills identified in Standard 302;
  - (2)** develop the concepts underlying the professional skills being taught;
  - (3)** provide multiple opportunities for performance;
  - (4)** provide opportunities for student performance, self-evaluation, and feedback from a faculty member, or, for a field placement, a site supervisor;
  - (5) provide** a classroom instructional component; or, for a field placement, a classroom instructional component, regularly scheduled tutorials, or other means of ongoing, contemporaneous, faculty-guided reflection; and
  - (6)** provide direct supervision of the student's performance by the faculty member; or, for a field placement, provide direct supervision of the student's performance by a faculty member or a site supervisor.
- (b)** A simulation course provides substantial experience not involving an actual client, that is reasonably similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks in a set of facts and circumstances devised or adopted by a faculty member.
- (c)** A law clinic provides substantial lawyering experience that involves advising or representing one or more actual clients or serving as a third-party neutral.
- (d)** A field placement course provides substantial lawyering experience that (1) is reasonably similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks in a setting outside a law clinic under the supervision of a licensed attorney or an individual otherwise qualified to supervise, and (2) includes the following:
  - (i) a written understanding among the student, faculty member, and a person in authority at the field placement that describes both (A) the substantial lawyering experience and opportunities for performance, feedback and self-evaluation; and (B) the respective roles of faculty and any site supervisor in supervising the student and in assuring the educational quality of the experience for the student, including a clearly articulated method of evaluating the student's academic performance;
  - (ii) a method for selecting, training, evaluating and communicating with site supervisors, including regular contact between the faculty and site supervisors through in-person visits or other methods of communication that will assure the quality of the student educational experience. When appropriate, a school may use faculty members from other law schools to supervise or assist in the supervision or review of a field placement program;
  - (iii) evaluation of each student's educational achievement by a faculty member; and
  - (iv) sufficient control of the student experience to ensure that the requirements of the Standard are met. The law school must maintain records to document the steps taken to ensure compliance with the Standard, which shall include, but is not necessarily limited to, the written understandings described in Standard 304(d)(i).
- (e)** Credit granted for such a simulation, law clinic, or field placement course shall be commensurate with the time and effort required and the anticipated quality of the educational experience of the student.
- (f)** Each student in such a simulation, law clinic, or field placement course shall have successfully completed sufficient prerequisites or shall receive sufficient contemporaneous training to assure the quality of the student educational experience.