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WHAT STUDENTS DON’T KNOW WILL HURT THEM: A FRANK VIEW FROM THE FIELD ON HOW TO BETTER PREPARE OUR CLINIC AND EXTERNSHIP STUDENTS

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This Article investigates the areas in which law students are under-prepared for the externship and clinical experience as identified by those in the best position to know: their field supervisors. Through surveys and interviews, the authors learned what qualities supervisors hope to see in students, what abilities they want from students, and the level of competence they will accept. The article begins with an examination of the authors’ own perceptions of student inexperience and the factual basis, if any, for the concern that law students need to be better prepared for their first field placements and clinics. Next, the authors describe the survey of nearly three dozen judges, law clerks, government agency attorneys and public interest attorneys with experience supervising students from schools across the county. Also discussed are the more detailed accounts offered by several supervisors who presented their opinions at the authors’ Externship 3: Learning from Practice conference presentation in March, 2006. The authors analyze the results by type of skill (writing, research, office etiquette, etc.), as well as by type of placement (judicial, government and public interest). The article concludes with a discussion of the tools that the authors have developed to better prepare their students and their plans for future program improvements.

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** Faculty Externship Director and Clinical Professor of Law, Loyola Law School/Los Angeles. She would like to thank co-author Carolyn Young for developing the survey instrument, doing the lion’s share of the supervisor interviewing, coordinating the conference presentation and providing the inspiration for this article; and longtime colleague and friend Sande Buhai, Faculty Public Interest Director and Clinical Professor of Law at Loyola. Both authors wish to thank their fellow GLACE school externship directors and their students who provide endless educational opportunities.
INTRODUCTION

The goal of every externship program is for students to develop and practice real legal skills. The goal of every externship director is to prepare those students as well as possible for the experience. We offer seminars and assign reading, hold boot camps and meet one-on-one, review their journals and conduct site visits, all to ensure that our students succeed. And by the end of the field placement they usually do, as evidenced in the written evaluations from field supervisors that rate precisely how well our students performed or how much they learned.

But what about the beginning of the externship? We have our suspicions about how well-prepared our students are for their first days and weeks on the job, but are they accurate? Is our training focused on the skills students most need to improve, or is there something else we should address? Two GLACE\(^1\) law professors and externship directors decided to find out.

With the GLACE-hosted Externships 3: Learning from Practice (hereafter "Externships 3") national conference in March, 2006, in mind, we decided to talk — really talk — to a range of field placement supervisors,\(^2\) including judges, law clerks, government agency attorneys and public interest attorneys. The questions we thought to ask were bold, and the answers we sought would be frank: What is your assessment of students' preparedness when they first arrive at your placement? Assuming the answer reveals the need for improvement, how would you suggest we go about it?

We heard an earful — a very candid, often humorous, and sometimes painful earful. Be careful what you ask for, as the saying goes. Surprisingly, some of what we expected to hear we did not hear to the degree we had anticipated, while some of what we feared we might hear was worse than we had suspected.

This is our story of a survey journey into the practical world of our field placement supervisors, a journey to find out what qualities they hope to see in students, what abilities they want from students,

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\(^1\) GLACE is the acronym for The Greater Los Angeles Consortium on Externships. In 1993, six Los Angeles area ABA-accredited law school externship directors formed a consortium to adopt joint field supervision standards for shared field placements. In 2005, GLACE welcomed Chapman University School of Law into the consortium. Although adopting the supervision standards was the primary and driving goal in the formation of GLACE, a secondary goal involved the development and adoption of a comprehensive field supervisor training manual. The manual is not protected property and GLACE imposes no restrictions on its duplication or dissemination. A copy of the GLACE Field Placement Supervision Manual is available at http://www.chapman.edu/law/programs/externSupers.asp.

\(^2\) Throughout this article we use the terms "externship" "off-campus externship" "field placement" and "fieldwork" interchangeably.
and the minimum level of *competence* they will accept.

In Part I of this article we examine our own perceptions of student inexperience and the factual basis, if any, for the concern that law students need to be better prepared for their first field placements. In Part II we describe our survey of the nearly three dozen field placement supervisors who agreed to lend their voices to our investigation, including the few who were brave enough to face a swarm of externship directors at the *Externship* 3 conference. We examine both the data that our survey collected and, in Part III, the major themes that emerged. Finally, in Part IV, we outline how we plan to use our findings to better prepare our students for future placements, including some tools that we have already developed and our plans for future “big picture” program improvements.

I. STUDENTS’ FIRST FIELD PLACEMENTS AND THE POTENTIAL TO BE UNPREPARED

It is hardly novel to suggest that clinical and externship experiences are crucial avenues of preparation for the practice of law.3 Clinical programs and externships enable “students to develop the basic skills needed to practice effectively, or at least provide[] them a solid foundation upon which to build.”4 Externships in particular5 are hailed as providing students “unparalleled opportunities to define and pursue learning goals, to explore career interests in a variety of legal

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5 Externships may be assuming a more critical role in the overall professional skills curriculum of law schools since the recent change in Standard 302 of the ABA Standards for the Approval of Law Schools. See ABA STANDARDS FOR THE APPROVAL OF LAW SCHOOLS AND INTERPRETATIONS 2006-07, available at http://www.abanet.org/legaled/standards/standards.html. In 2004, the ABA amended Standard 302(a)(4) to require that students receive “substantial instruction” in, among other things, “professional skills generally regarded as necessary for effective and responsible participation in the legal profession.” Standard 302(b) was similarly revised to require that law schools offer “substantial opportunities” for “(1) live-client or other real-life practical experiences . . . .” Interpretation 302.5 suggests clinics and field placements as the two methods of satisfying these requirements.
jobs, and to build a professional network.” Yet the question remains: If externships prepare students for practice, what prepares students for externships? That students may be under-prepared to step into the role of extern is evident from many angles, starting with the pre-externship consultation. As did we in law school, students typically walk the halls dressed casually, talking and acting informally even with faculty. They may come to the externship program office to ask, “like, for information about externships, or whatever?” We would prefer to think that students would know better than to present themselves this casually when it really counts, but even then the evidence suggests that our students are not so well prepared. From Young’s prior experience as a field supervisor to dozens of law students, we knew too well that


7 While the primary focus of this article is externships, much of what follows may be applied to the benefit of the clinic student and the paid law firm clerk. As different as the in-house and off-campus experiences can be, students entering either for the first time are equally likely to present themselves with the same lack of experience and preparedness, the same ambiguities about what will be expected of them, and the same timidity when dealing with the supervisor. Thus, some of the tools we created to assist our off-campus externs (e.g., the “Welcome Memo” and the “Assignment Clarification Cheat Sheet” discussed in Parts IV.A.1. and IV.A.2., infra) may be just as helpful to in-house students or paid law clerks. But see IV.A.4, infra (discussing whether faculty clinical supervisors may have different expectations of their students than do off-campus supervising attorneys and judges).

8 For example, a student interrupted Young writing an early draft of this paper when he entered Young’s office holding a slice of pizza, which he proceeded to eat while discussing his prospects for externing for a judge.

9 Though possibly more prevalent in California, the tendency of young people to “up-talk” by ending a declarative sentence as if it were a question is an international phenomenon. See Stefanie Marsh, The Rise of the Interrogatory Statement, The TIMES (LONDON), Mar. 28, 2006, at 7 (examining the debate between whether “up-talk” is an indicator of uncertainty and self doubt and the evolving theory that it is an attempt to establish common ground with the listener). For a similar discussion of the use of “like,” see S.J. Diamond, Like it or Not, ‘Like’ is Probably Here to Stay, L.A. TIMES, Aug. 21, 2000, at E2. For an entertaining discussion of these issues in a poem, see Taylor Mali, Totally Like Whatever (2005) (“Invisible question marks and parenthetical (you know?)’s / have been attaching themselves to the ends of our sentences? / Even when those sentences aren’t, like, questions? You know?”), available at http://www.taylormali.com/index.cfm?webid=21.

10 This is not to suggest that law school faculty and administrators do not deserve a student’s utmost respect.

11 Carolyn Young worked for two years as a staff attorney at the Disability Rights Le-
there would always be one student who arrived at work wearing baggy sweatpants or tattered jeans, and another who reached deftly to minimize "Minesweeper" on the computer when the boss walked by.

The most obvious explanation for students' perceived lack of workplace savvy may be their youth. The average age of a first year law student at Chapman University School of Law is twenty-four, and at Loyola Law School it is twenty-five. Many students went directly from high school to college and then from college to law school. As a result, "[t]he wealth of life experience . . . is just not there." A review of students' resumes confirms their lack of prior legal experience, and to a lesser degree office or professional experience. Of the 222 most recent students to participate in the externship programs at Chapman University School of Law and Loyola Law School, fifty-five percent had no prior experience working in a law office, and approximately fifteen percent had no significant professional or office experience of any kind.

The law school classroom experience may not have prepared students for the externship program either. While they have completed their first year research and writing course, many still seem bewildered by the basics, particularly if the first year writing program did not provide the necessary instruction. The externship offering is not merely a continuation of the classroom experience but requires a significant adjustment in approach and attitude.

gal Center in Los Angeles, California, during which time she supervised approximately sixty students from law schools across the county.

12 But see Motley, supra note 6, at 211 (explaining that "[m]any of our students [at California Western Law School] are mature, second-career individuals with more business and worldly experience than can be claimed by most members of our faculty").

13 Drawn from data compiled by Tracy Simons, Assistant Dean of Admissions, Chapman University School of Law.

14 Drawn from data compiled by Jannell Lundy Roberts, Assistant Dean of Admissions, Loyola Law School.


16 The survey of student resumes is offered more as anecdotal rather than statistical evidence, as the results depended on the students' own descriptions of their work experience. Student resumes may be incomplete for any number of reasons, and our interpretation of a job description could lead to an error in categorization as well.

17 We define "legal experience" to include work during law school as a law clerk with research and writing duties, as well as pre-law school employment or volunteer positions as an intern, file clerk, receptionist or secretary. We define "significant professional or office experience" to mean a job lasting nine or more months. Our results are similar to those of a 2006 study which found nearly fifty percent of incoming law students at seven different schools "had no legal work experience" prior to law school enrollment. See Ian Gallacher, 'Who are Those Guys?' The Results of a Survey Studying the Information Literacy of Incoming Law Students, 44 CAL. W. L. REV. (forthcoming fall 2007), available at http://ssrn.com/abstract=1004088.

18 See Joan S. Howland & Nancy J. Lewis, The Effectiveness of Law School Legal Research Training Programs, 40 J. LEGAL EDUC. 381, 389 (1990) (surveying law firm librarians about the research skills of summer clerks and first year associates; the librarians complained that students "are given 'canned' materials in law school and then they are
not take an "integrated" approach to legal research and writing. Students can find the transition from classroom assignment to real world work product to be daunting.

In addition to a lack of comfort with research and writing skills, the classroom experience can also create "a genuine fear of communicating uncertainty by seeking clarification, thus creating a communication barrier before the field experience begins." In other words, even in areas where a lack of knowledge is to be expected, such as how to draft a client declaration, these young and inexperienced students, used to professors who call on them expecting a right answer right away, are afraid to ask a supervisor for help or admit to being confused.

Another way in which students may be unprepared to begin their externships is their unfamiliarity with the real world working of the legal system. Students sometimes have little understanding of "what a prosecutor does" or "the structure of the court system" they are about to enter. That the daily workings of the legal system are not taught in classes like civil procedure or criminal law is anecdotally obvious from students' first journal entries. For example, students have written that "I didn't know there was a research department in Superior Court," or "I had no idea that law in motion [sic] was such a busy part of the court calendar." Or better yet, the student who stated, "I wasn't really sure about the difference between federal courts and state courts when I got my externship - I just knew that state courts pro-

upset with the real world when it doesn't provide them with the same service" and that "law schools do not provide enough practice in using the materials. Students need to walk around, experiment, learn all the quirks of the resources."); Carol McClellan Parker, Writing Throughout the Curriculum: Why Law Schools Need it and How to Achieve it, 76 Neb. L. Rev. 561, 563 (1997) (arguing that "[n]either a single "rigorous writing experience" nor a first-year legal writing class is sufficient to provide basic competence in written communication").

19 See, e.g., Ellie Margolis & Susan L. Delarreat, Moving Beyond Process: Building a Better LRW Program, 46 Santa Clara L. Rev. 94, 109-14 (2005) (criticizing LRW programs' use of "treasure hunt" research assignments and "closed universe" memos for disassociating research from writing, in turn failing to prepare students for "real world application" of these skills).


21 See Morten, Weinstein, & Weinstein, supra note 15, at 513 ("After spending several semesters as relatively passive learners, shifting into a self-directed, active mode of learning is a difficult transition for many.").

22 Larry Cunningham, The Use of "Boot Camps" and Orientation Periods in Externships and Clinics: Lessons Learned From a Criminal Prosecution Clinic, 74 Miss. L.J. 983, 1003 (2005) (suggesting that it is "unreasonable to ask field supervisors to teach students everything about being a lawyer. We have a duty to send them students with a set of minimum, basic skills.")
vided parking and federal courts don't." Nothing like an informed decision!

Finally, it is possible that students' apparent lack of experience may have less to do with their actual level of preparedness, and more to do with their attitude toward the externship. An externship is, by definition, an unpaid position. At most law schools, the externship fieldwork component is graded on a pass/fail or credit/no credit basis. Thus, it is possible that students may make a less-than-desirable impression on their field supervisors because they lack incentive to do their best work. We doubt, however, that the vast majority of students would be so lulled. The one-on-one nature of the extern-supervisor relationship, as well as the prospect of impressing a mentor who may be able to help the student obtain future employment, is likely enough to push most externs toward diligence.

Each of the above factors can lead students to "enter externship and work environments relatively unprepared for the ambiguous and unpredictable nature of the practice of law." The harm of arriving unprepared is two-fold. First, a student who is not facile with some of the basic skills required by her externship, or who lacks the confidence to ask the right questions, will waste precious time at the beginning of the externship—usually just fourteen or fifteen weeks long, and even shorter during the summer.

Second, an obvious attribute of an externship, as compared to its in-house clinic cousin, is that it occurs outside the law school. While some have commented on the potential for a lesser quality of supervision than that by clinic faculty, a more basic concern is that the stu-

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23 See supra note 5, at Interpretation of Standard 305-3.
24 See J. P. Ogilvy & Jim Backman, Keynote Address at Externships 3, Externships: Where Have We Been? Where Are We Going? (reporting that only twenty four percent of schools surveyed assigned letter or number grades to the fieldwork component of the externship), available at http://law.cua.edu/externweb/Plenary1.ppt. Audio of this presentation is available at http://events.ils.edu/externships/media.html under the heading "Plenary."
25 See, e.g., Charles B. Craver, The Impact of a Pass/Fail Option on Negotiation Course Performance, 48 J. LEGAL EDUC. 176 (1998) (analyzing statistics of student performance in a simulated negotiations course, finding that the apparent lesser motivation of students taking the class "pass/fail" led to poorer performance as compared to students taking the course for a letter grade).
26 But see one supervising law clerk's comment at note 43, infra.
27 See supra note 20, at 635. See also Upoff, Clark & Monahan, supra note 4, at 400 ("That is, many law graduates are virtually ' clueless' when it comes to handling a basic legal task such as drafting an adequate suppression motion.")
28 See Cunningham, supra note 22, at 983-84 (proposing that a pre-semester "boot camp" for prosecutorial clinic students "empowers them to make effective use of their first few weeks in the course.")
29 See Blanco & Buhai, supra note 20, at 611-13 (suggesting supervision techniques "to minimize the negative aspects of the field placement experience for the law school, the
dent is sent into the legal community as a representative of the law school. A student who is not adequately prepared to enter the professional law office or judicial chambers risks making mistakes that could be embarrassing to her and also to the school. While a well prepared extern could pave the way for many more successful placements, a student who disappoints a field supervisor could harm the prospects for future student placements from the same institution.

II. THE SURVEY: DO FIELD SUPERVISORS PERCEIVE OUR STUDENTS TO BE UNPREPARED OR INEXPERIENCED?

The previous section discussed the concerns we have as externship directors about our students’ preparedness for their field placement experience. Ultimately, however, these were just our perceptions, based on how students presented themselves to us and information we had gathered anecdotally. Were our students really so inexperienced, and if so, was it to the degree that one would expect of anyone entering a new environment, or was it something more? The best way to find out, we decided, was to ask the field supervisors.30

A. The Survey

Between October, 2005, and February, 2006, we sent surveys to approximately 100 federal and state judges, their clerks and research attorneys, lawyers at public interest organizations,31 district attorneys, public defenders, and other government lawyers in Los Angeles and Orange Counties.32 We sent the survey by regular mail to some, by

field supervisor and the student”); Henry Rose, Legal Externships: Can They Be Valuable Clinical Experiences for Law Students?, 12 NOVA L. REV. 95, 104-105 (1997) (citing several potential flaws of externship programs, including the conflicting goals of the supervising attorney and those of the law school).

30 We want to thank profusely the field supervisors who participated in this survey, and particularly those who spoke at Externships 3 in March, 2006, on the subject of this article (see Part II.B.5., infra). We also want to note our observation that field supervisors who believe in mentoring and educating law students are saints. More often than not, accepting a student as an extern is more time-consuming for the supervisor than going without. Field supervisors who take on externs are unique lawyers and judges who demonstrate their commitment to helping students bridge the gap between the classroom and practice.

31 Included among “public interest organizations” was one of Loyola Law School’s on-campus clinics. The clinic is staffed by attorneys as well as a faculty director, and accepts students from other schools during the summer, so we felt it was similar enough to an off-campus placement to be included in the survey. See Parts IV.A.4. and IV.B. for a discussion of a planned future survey that would investigate whether supervisors at on-campus clinics and off-campus externships evaluate student preparedness differently.

32 We chose as recipients every United States District Court judge in the Central District of California, almost all of whom use externs, and a handful of Superior Court judges and state Court of Appeal justices known by us to use externs. We sent the remaining surveys to those government agency and public interest attorneys with whom we had placed students in the past. (Neither Loyola Law School nor Chapman University School
email to others, and in several instances administered it by in-person or telephone interview. A copy of the survey instrument is set out in Appendix A.

We first asked the responding supervisors to specify the number of years of experience they had supervising externs, as well as from what law schools their externs were drawn.

The survey then asked respondents to pick the "5 skills that you find students most lacking at the outset of the externship." Listed were fifteen categories of skills and behaviors, the same categories that Chapman's externship program had used when asking supervisors to rate student performance at the end of an externship. These categories were:

**Oral Communication Skills:**
(1) Poise and confidence
(2) Avoidance of "Like" and "Um," etc.

**Research Skills:**
(3) Quality of research
(4) Efficiency of research
(5) Knowledge of available research resources

**Writing and Drafting:**
(6) Follows basic rules of grammar, construction, format
(7) Attention to detail
(8) Quality of argument or analysis

*of Law permits externships in private, for-profit placements). Thus, we do not claim that the survey was conducted scientifically, or that it was administered as broadly as surveys on other topics conducted by others in the field. See, e.g., Martin & Garth, *supra* note 3 (surveying more than 800 new lawyers in Chicago out of a random sample of 1500); Robert F. Seibel & Linda H. Morton, *Field Placement Programs: Practices, Problems and Possibilities*, 2 CLINICAL L. REV. 413 (1996) (nationwide survey of law school externship programs, with sixty-eight law schools responding).

We did not ask how many externs the respondent had supervised, or the law school year of those externs. Thus, the survey results would not distinguish between a respondent with ten years experience supervising one extern per semester and one who had ten years experience supervising ten externs per semester. Similarly, the survey would not differentiate between skills lacking in a student externing the summer after her 1L year and a 3L student externing in her final semester of law school. These are just two of the elements we would add to a second, more detailed survey. See Part IV.B., *infra*.

We listed the seven GLACE-member schools and left blanks for respondents to fill in the names of other law schools. In alphabetical order, GLACE-member schools are Chapman University School of Law, Loyola Law School/Los Angeles, Pepperdine University School of Law, Southwestern Law School, UCLA School of Law, USC Law School, and Whittier Law School. For a description of the GLACE model, see Blanco & Buhai, *supra* note 20, *passim*; William Wesley Patton, *Creating an Externship Consortium: The Glace Experience*, 4 T.M. COOLEY J. PRAC. & CLINICAL L. 233 *passim* (2001).

Supervisors were not asked to rank the degree of importance within the top five skills chosen. This is one of the modifications we are considering including in a second, more detailed survey, See Part IV.B., *infra*.

Chapman and the other GLACE-member schools have since adopted a uniform supervisor evaluation questionnaire. See Part IV.A.A., *infra*. 
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Work Ethic:
(9) Punctuality and observation of deadlines
(10) Attitude and response to supervision and criticism
(11) Initiative / Self-reliance
(12) Observation of professional ethics

Workplace Skills:
(13) Professional dress, composure
(14) Ability to adapt to office routine and format
(15) Polite to staff, clients, public

A sixteenth category of “Other” was left blank for supervisors to suggest additional issues of concern.

After selecting the five areas of greatest concern to them, supervisors were asked to “describe in what way the skills are lacking, and/or what suggestions you have for law schools to help students better prepare for their externships.”

Space was provided for respondents to offer examples and descriptions.

Two important considerations informed the survey instrument’s design. First, we did not want to discourage responses by creating a lengthy or complicated form, choosing instead to ask one question as simply as possible. As our goal was to identify the areas in which students need more preparation before their externships begin, we decided to ask what five skills they most lack. We also considered asking what five skills are most important to supervisors (recognizing that the most lacking skills may not always be the most important ones), but concluded that while asking multiple questions could add a degree of sophistication to the data, it would do so at the cost of simplicity.

Second, we wanted quantifiable results, so we focused the survey on a list of specific skills from which the supervisors could choose, rather than asking for their overall impressions of students’ weakness or strengths. Nonetheless, the final section of the survey, in which the supervisors were invited to explain their responses, elicited many such impressions.

B. The Results

We collected thirty-four responses to the survey: thirteen from judges, clerks and research attorneys; thirteen from attorneys from state, county and city government agencies; and eight from attorneys with public interest organizations.

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Appendix A.

In California, “clerks” is the term used in federal courts, while “research attorneys” describes their counterparts in state trial and appellate courts. Federal court law clerks are generally recent law graduates, though a few District Court and Bankruptcy Court judges use “permanent” or “career” clerks. In state courts, research attorneys are almost always career positions.
In addition to supervising students from the seven GLACE-member law schools in Southern California, respondents reported that they had supervised students from schools across the county, including:

- Duke University School of Law
- George Washington University School of Law
- Gonzaga Law School
- Harvard Law School
- New York University School of Law
- Notre Dame Law School
- Stanford Law School
- Syracuse University College of Law
- University of San Diego School of Law
- U.C. Berkeley School of Law, Boalt Hall
- U.C. Hastings College of the Law
- U.C. Davis School of Law
- University of the Pacific, McGeorge School of Law
- University of Pennsylvania School of Law
- Vanderbilt University Law School
- Vermont School of Law
- William and Mary School of Law

Thus, our survey results reveal information about the preparedness of law students not just from southern California law schools, but provide insight into the state of extern competence on a national level.39

1. **Most Lacking Skills Overall**

Of the fifteen skills included in the survey, eight made the list for at least one fifth of the respondents:

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39 We received too few responses to our question regarding years of extern supervision to develop a meaningful analysis. Of the twenty-two responses, nine supervisors checked the “1-4 years” box. These included true junior attorneys such as judicial law clerks, as well as attorneys who appear to have more experience in practice, though perhaps they are newer to their current positions in which they supervise externs. Four respondents reported having “5-8 years” experience supervising externs, another four checked the box for “9-12 years,” and five respondents reported “13 or more years” experience with externs. As noted supra at notes 33 and 35, we would want to resolve these issues in a follow-up survey, perhaps asking for the precise number of years’ experience as a supervisor, rather than ranges, and asking separately for the number of years in practice or on the beach.
According to the thirty-four field supervisors who responded to the survey, externs are most deficient at the outset of their externships in two areas of writing and drafting: “Attention to detail” was a concern for nineteen of thirty-four respondents, or fifty-six percent. A close second with eighteen votes, or fifty-three percent, was students’ “Quality of argument or analysis.” Examples offered of these shortcomings included:

Student . . . work often lacks substance and detail. They address the issue/question in the most basic way possible without digging deeper.

—Public interest attorney

Students (and some attorneys for that matter) often rely on spell check to catch their errors. This, of course, doesn’t catch everything. The students need to carefully proofread their documents to ensure accuracy AND ease of reading. Too often, the first draft is the final draft.

—Government agency attorney

Most importantly, students need to be aware of the case file as a whole, so that they can catch potential problems beyond the scope of the limited research task they have been given (i.e., procedural issues, formalities not observed, etc.)

—Law clerk

Some students write in such conclusory fashion that there is no analysis. Students need to learn to support legal positions with lawyer-like analysis.

—Judge

Next were two non-legal skills, but areas of great importance to young attorneys: “Poise and confidence” received fourteen votes
(forty-one percent), and "Initiative/ Self-reliance" earned thirteen (thirty-eight percent). Descriptions included:

First-year interns sometimes are too shy and reserved.
—Government agency attorney

Not surprisingly, the students are in a new environment and are nervous.
—Government agency attorney

[Externs should] always report back to [the] supervisor upon the completion of a task.
—Public interest attorney

Some externs do not take the initiative to question what attorneys argue in their papers or identify issues not highlighted in the pleadings. Others fail to ask for additional work when they finish their assignments. Stressing the team approach to handling the workload should help.
—Judge

Finally, all three research-related skills and the third skill in the writing category round out the list: "Quality of research" garnered twelve votes (thirty-five percent), "Efficiency of research" had eleven (thirty-two percent), "Follows basic rules of grammar, construction and format" had nine votes (twenty-six percent), and "Knowledge of available research resources" had seven (twenty-one percent). Supervisors offered the following explanations of students’ difficulties in these areas:

Students seem to require enormous amounts of time to research easy issues. Schools need to help students learn to find cases quickly in available resources.
—Judge

Students could be more thorough in their research, looking at more than just a few cases and making sure they understand how the law has developed. Students also need a better understanding of which sources are binding (as opposed to persuasive) authority. Students generally feel much more comfortable with case law research than with statutes.
—Law clerk

We have found that students need more practice in formulating complex searches in Lexis/Westlaw, making the most of terms and connectors. They also need more practice in using one source to find others, looking forward (Shepardizing) and backward (case citations).
—Law clerk

We rely a lot on treatises and practice guides, and find that law schools under-emphasize how useful these can be.
—Law clerk

I am surprised that externs do not know where to place commas, apostrophes [and] semi-colons. Subject/verb agreement is a problem also.

—Law clerk

2. The Skills Most Lacking by Type of Internship

We were curious to see if there would be a difference in what supervisors perceived as problems depending on the type of externship— were judicial chambers more critical of certain skills than public interest placements, for example? This is what we found to be of most concern to each type of placement:

Judicial Placements
1) Quality of argument or analysis (eleven of thirteen votes)
2) Attention to detail (eight of thirteen votes)
3) Quality of research (six of thirteen votes)
4) Efficiency of research (five of thirteen votes)
4) Initiative / Self-reliance (five of thirteen votes)

Government Agency Placements
1) Poise and confidence (seven of thirteen votes)
1) Attention to detail (seven of thirteen votes)
3) Knowledge of available research sources (five of thirteen votes)
4) Quality of research (four of thirteen votes)
4) Efficiency of research (four of thirteen votes)
4) Initiative / self-reliance (four of thirteen votes)

Public Interest Placements
1) Attention to detail (four of eight votes)
2) Quality of argument or analysis (three of eight votes)
2) Poise and confidence (three of eight votes)
2) Initiative / Self-reliance (three of eight votes)

In some ways, the results varied only slightly depending on the type of placement. For example, “Attention to detail” was the first or second complaint of all three types of field supervisors, while “Initiative / Self-reliance” was also on each list, although closer to the bottom. On the other hand, “Quality of argument or analysis” was number one or two for judicial and public interest placements, but did not make the top six for government agencies. Similarly, “Poise and Confidence” was the primary concern in government placements and tied for second with public interest attorneys, but did not appear to be a problem for judicial respondents.

The reasons for these discrepancies are unclear. Does the aura of working in a courthouse make students behave with more poise and confidence than their classmates in a government agency? Are students at government agencies better at argument and analysis, or are
they perhaps called on to do it less often? Does the nature of student
drawn to or eligible for the different type of externships play a role?
The existence of these differences is interesting to consider, although
sorting out the variety of possible causes is material for a different
article.\footnote{See Part IV.B., infra, for a discussion of plans for a follow-up survey that may enable
further analysis of this issue.}

3. \textit{The Skills Least Lacking in all Placements}

Based on the informal manner in which students present them-

selves at law school and to law professors, we were concerned that
social skills, communication skills and perhaps even professional dress
standards, all highly relevant to first-time professional employment,
might be subjects of complaint. We were surprised and pleased to find
that complaints were few in categories dealing with politeness, casual
speech and the recognition of professional ethics, but not so pleased
to find that complaints tended to be higher for categories involving
attitude, dress and punctuality.

The seven skills receiving the fewest votes were:
1) Polite to staff, clients, public (one vote / three percent)
2) Observation of professional ethics (two votes / six percent)
2) Avoidance of “Like” and “Um” (two votes / six percent)
3) Attitude and response to supervision/criticism (five votes / fif-
teen percent)
4) Ability to adapt to office routine and format (six votes / eighteen
percent)
4) Punctuality and observation of deadlines (six votes / eighteen
percent)
5) Professional dress, composure (six votes / eighteen percent)

Even though they fell on the less-problematic end of the spec-
trum, it was disconcerting to discover that five supervisors thought
students had difficulty with their “attitude and response to supervision
and criticism,”\footnote{One judge stated that it “seems like every year we get at least one law student who
learns nothing from our edits. Students need to be weeded out that ‘know it all.’”}
six complained about “professional dress and com-
posure,”\footnote{One public interest attorney reported that “attire is a big problem! Students dress
too casually and even inappropriately e.g., belly-baring shirts, low slung pants, etc.”}
and the same number complained of student “punctuality and
observation of deadlines.”\footnote{One law clerk complained that “some externs will routinely arrive late, leave early,
and/or take time off. Externs must realize that although they are not being paid, they have
an obligation to be in chambers when they agreed to work.”} Both as externship directors and as for-
mer practicing attorneys, we were greatly concerned about each of
these complaints. In particular, punctuality, honoring commitments,
and respect for deadlines would need to be addressed with our stu-

4. Other Lacking Skills

In the "Other" category, many supervisors listed skills they wish externs possessed that were specific to their individual placements, such as having a basic understanding of:

1) Relevant legal standards (with respect to summary judgment, for example, or standards for appellate review);
2) Particular areas of substantive law, such as bankruptcy law for bankruptcy court externs, or basic securities law for specialized placements such as the Securities and Exchange Commission;\(^{44}\)
3) The operations of the court or agency;
4) Using particular relevant manuals, such as the California Style Manual, always used in place of the "Bluebook" at the California Courts of Appeal;
5) The proper tone for a draft opinion or bench memorandum.\(^{45}\)

As much as some of the survey results motivated us to take a serious look at the way we counsel and prepare students for first-time field placements,\(^{46}\) there was also a classic measure of unintended humor in supervisor survey responses. For example, one supervisor suggested that externs "need to be taught how to right [sic] concise, thorough, and effective memoranda." Another complained that students' inadequate research skills are "do [sic] to a lack of experience." One supervisor concluded that externs have a "lack of maturity." Needless to say, when the professionals with maturity and experience state the obvious or make errors similar to those made by our students, it makes us feel a little more charitable towards our students.

5. The Survey In-depth: Conference Speakers Get Frank

We were honored to have several of our survey respondents appear on our panel for our presentation at Externships 3 to elaborate on their survey criticisms.\(^{47}\) We asked a Superior Court judge, a public

\(^{44}\) The SEC regional office in Los Angeles does screen for prerequisites, such as Securities Law, as do Externship Directors. However, there are always students who slip through the screening net, or for whom having the necessary classroom experiences does not necessarily mean they have a firm grasp of the law.

\(^{45}\) We were not surprised that students arrived at judicial placements unfamiliar with how to write a bench memorandum or draft opinion. See Association of Legal Writing Directors, Legal Writing Institute, 2006 Survey Results, at 12 (reporting that the most common writing assignments in LRW programs are office memorandum, appellate briefs, pretrial briefs and client letters), available at www.alwd.org/2006%20survey%20results%20report%20(final).pdf.

\(^{46}\) See Part IV, infra.

\(^{47}\) Audio of the panel presentation is available at http://events.lls.edu/externships/media.html.
defender, a public interest attorney and an experienced federal bankruptcy court clerk, all familiar with student mentoring, to list the “top five” most common mistakes made by students new to the field placement. The highlights from their responses are as follows:

The Honorable Richard L. Fruin, Jr., Judge of the Los Angeles County Superior Court, observed that students are not prepared to “compare facts in precedent cases to the instant case facts” or “critically discuss relevant case facts.” Furthermore, they do not understand the difference between a legal memorandum discussing the application of the law in an objective sense and one prepared in an advocacy setting.48

Deborah Chang, Law Clerk to the Honorable Alan M. Ahart, U.S. Bankruptcy Judge, Central District, California, and a former Loyola student,49 advised that students need to “demonstrate [a] work ethic” and above all, to “proofread.” Ms. Chang also urged the less-familiar student to brush up on the basic law of her placement before arriving, but warned the more confident student not to act “like a know-it-all.”

Gary B. McGaha, Directing Attorney of the Public Law Center in Orange County, California (and a career legal services attorney) wanted students to know how to “take the blinders off when they research,” and urged “out of the box” thinking. Unlike the judge, who opined that students only knew how to write as an advocate and appeared to have no prior training in writing an objective memorandum on the law, Mr. McGaha observed that when asked to draft part of a persuasive motion, students were not skilled in “writing as an advocate.” He also observed that many students arrived for work at the Public Law Center without knowing about the organization’s mission or the clients that it serves. Finally, Mr. McGaha acknowledged that legal work can be tedious at times (he once told a student that he “didn’t go to law school to Xerox either”) but wanted students to understand that tedious work can still be meaningful.

Luis J. Rodriguez, Special Counsel to the Los Angeles County Public Defender’s Office and director of its summer clerk program, offered the most amusing, yet alarming, student anecdote: He recounted an interview in which a student slouched in a chair, addressed him as “dude” throughout the interview, and used an indelicate colloquialism to describe the honesty with which he was answering ques-

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48 The Judge was kind enough not to discuss in public a student who, when listing the goals he hoped to accomplish during the semester, wrote that he wanted to learn how to write a “compotent [sic] motion.”

49 Regrettably, Ms. Chang was not able to attend the conference.
Mr. Rodriguez urged students to be prepared to be more outgoing in the initial days of their placements and to realize that the more they extend themselves in introducing themselves to other attorneys and staff, the bigger their circle of mentors grows. He also suggested that students can dress professionally even on a budget and that “asking questions leads to better answers.” And he asked students “not to leave common sense at the door,” reminding them that the practice of law is as much about cases and codes as it is about problem-solving in the real world.

Our speakers demonstrated the complexity of the challenges in an off-campus program, as each had a set of preferences for what students need to know that in some ways were universal, and in others were unique to the particular placement.

III. EMERGING THEMES SUGGESTING CHANGES TO OUR PROGRAMS

Several themes emerged from our survey, interviews and field placement “top five” lists by our conference speakers. First, most supervisors are critical of law school research and writing programs, with complaints focused on the lack of clarity in writing, inefficient legal research and under-developed analytical skills. There are some changes that could be implemented to address these concerns, such as teaching students how to research using major treatises and practice guides, as suggested by several field supervisors. In our experience, however, regardless of the legal writing program offered by a particular law school, clarity and brevity in writing and effective research and analytical skills can elude even experienced lawyers. Though we should all strive to help our students develop exemplary research and writing skills, some field supervisors may need to adjust their expectations of what a first-time extern can do.

Second, supervisors acknowledged student timidity at the outset of the experience and noted students’ reluctance to ask questions or to “impose” on the supervisor’s time with requests for follow-up meetings. This reluctance to seek clarification or to ask for guidance undoubtedly causes some of the inefficient research and lack of clarity in legal analysis about which supervisors complain. Some supervisors are aware of and sensitive to student timidity, but for those who are not, externship directors can certainly implement a more “pro-active” curriculum at the beginning of the semester to provide students with

50 Aside from being an externship director’s worst nightmare, the colloquialism involved a promise by the student that he was not “blowing smoke” up a part of the interviewer’s anatomy.

51 See Part IV, infra.
some tools to feel more comfortable in the new environment.

Last, even with respect to areas identified in the survey as not being overly problematic for students, such as politeness, attitude, and appropriate language in a professional setting, we realized that these areas should not be marginalized as undeserving of attention in a preparation curriculum. Just one or two inadvertent remarks or ill-advised actions by a student can harm a reputation, especially when those mistakes become the basis of an oft-repeated anecdote to colleagues.

IV. REVISIONS TO OUR EXTERNSHIP PROGRAMS
   PROMPTED BY SURVEY RESULTS

Eager to address some of the criticisms regarding first time field placement students, and excited by the prospect of improvement, we quickly implemented some changes to our programs to address our new-found understanding of the "view from the field." We are also working on some "big picture" goals that we hope will better prepare our students for the field experience.

A. THE IMMEDIATE ACTIONS

Looking at the survey results, our "top five" lists from our conference speakers, and the themes we identified as emerging from our survey, we knew we could take some steps immediately to better prepare students, whether those students would be participating in an on-campus clinic or an off-campus externship.

1. WELCOME MEMO FROM THE "SUPERVISOR"

The most obvious remedial action was simply to tell the students what the supervisors told us. A month before the conference, Carolyn Young drafted a "Welcome Memo" from the perspective of our field supervisors to our first time field externs, stressing the importance of things such as workplace attitude and etiquette, and suggesting what to "brush up" on before the externship begins. A copy of the memo is set out in Appendix B.

Many of the comments of our survey respondents and panelists went straight into the memo, with a little bit of humor, such as the following advice:

Don't be shy. Introduce yourself around. Everyone may look busy,

52 Young readily admits that the inspiration for drafting the memo in the voice of the supervisor, as opposed to her own, was the writing of Mark Herrmann, whose series of "Curnudgeon" articles she has admired for many years. Herrmann's advice from his grumpy law firm partner character was recently collected in a book. See MARK HERRMANN, THE CURMUDGEON'S GUIDE TO PRACTICING LAW (2006).
but they are never too busy to say hello to the new kid, especially the new kid who is friendly and eager to help.

Don’t be afraid to ask questions when getting an assignment . . . . In fact, you might repeat the assignment back to me to make sure you’ve gotten it right and I haven’t forgotten to tell you something important.

I didn’t go to law school to make photocopies either, but even the best lawyer has to . . . now and again. I’ll do my best not to give you too much of this work . . . but realize that the practice of law includes stuffing the occasional envelope.

Read about my chambers/court/office/agency, so that you have a basic idea of what we do, how we work, and what we work for . . . . That way when you show up your first day, you won’t say something silly about wanting to work on a type of case we don’t handle.

[Research] should rarely begin with a term search for cases on Lexis and Westlaw, especially if the issue you are researching is new to you (and most will be). Start with [treatises, practice guides, and digests]. They all come in book form (an increasingly foreign concept to law students, I understand), and luckily for you are also on Westlaw.

[Y]our most important legal tool is your common sense, so don’t leave it at the door. Try to understand the issues as they play out in the real world, and worry less about whether your memo sounds like a lawyer wrote it, and more about whether it says what you want it to say clearly.

PROOFREAD!! PROOFREAD!!! PROOFREAD!!! Have another extern PROOFREAD for you!!!

The Welcome Memo was well received by other externship directors at the conference, and we have gotten many subsequent requests for copies. After the conference, we began distributing copies to our students in advance of their summer and fall externships, and the students seemed to like getting the “inside scoop.”53 Several students remarked that they were “relieved” to know that they should introduce themselves around and not be afraid to ask questions about assignments or office protocol, and that those questions are generally welcomed by field supervisors. Other students took the memo’s advice and thoroughly researched their placements or reviewed some key areas of the law and legal skills, thereby taking their first steps toward

53 This type of pre-placement orientation is recommended by most experienced externship scholars. See, e.g., Ogilvy, supra note 6, at 150 ("At a minimum, the law school should ensure that each student is given an orientation to the placement, by the placement or by the program itself, that provides the student with fundamental knowledge the student needs to negotiate the placement.")
"self-directed learning."  
We originally planned to make a training video or CD Rom to share this advice with students, but conference deadlines prompted the simpler memo approach. This change yielded unintended benefits, however, such as easy distribution to students before they begin their fieldwork – by email, photocopy, or posting on TWEN. We have even shared it with our schools’ Career Services offices, as it contains valuable career advice for any law student, not just for those participating in the externship program. The written format and bullet-point style also allow the memo to serve as a checklist of research and writing “dos” and “don’ts” for students to consult throughout the course of their externships. Finally, the memo can be easily updated and modified to fit the needs of particular placements. Indeed, the original two-page version circulated at the March, 2006, conference has already expanded to three pages.

2. Assignment Clarification “Cheat Sheet”

Another tool we developed in time for the conference was a memo offering suggestions to students of what they should ask when receiving an assignment. Blanco had long felt that “[o]ne of the most common problems among students in the externship environment is the fear of asking questions, communicating uncertainty to supervisors, or worse, ‘looking stupid.’” Her belief was confirmed by the many survey respondents who complained of student timidity. The respondents further suggested that timidity led students to waste time “spinning their wheels” rather than seek advice or clarification.

To address this problem, Young built on Blanco’s work to cre-

54 See, e.g., Molley, supra note 6, at 215 (contrasting the passive learning in law school classes with the self-directed learning an attorney or extern engages in by “seek[ing] out learning resources for continuing development”); see also Seibel & Morton, supra note 32, at 418 (“field placement programs can provide an example for traditional classroom teachers and other clinical teachers of the importance and benefits of increasing student responsibility for the learning agenda”).
55 Anahid Gharakhanian, Director of Externships at GLACE-member Southwestern Law School, presented a workshop at the Externships 3 conference on the use of The West Education Network (“TWEN”) to administer an externship program and supervise students. Audio of her presentation is available at http://events.lis.edu/externships/media.html.
56 See Carol McClehan Parker, Writing Throughout the Curriculum: Why Law Schools Need It and How to Achieve It, 76 Neb. L. Rev. 561, 596 (1997) (suggesting that teachers “provide a checklist of questions for students to answer as they read their own writing. Checklists help students develop an internal editorial voice by providing models for the questions students should ask themselves when they evaluate their writing”).
57 See Part IV.B., infra.
58 Blanco & Buhai, supra note 20, at 635.
59 Id. at 638-41 (describing in detail the types of questions students must ask in order to fully comprehend and adequately perform an assignment).
ate an "Assignment Clarification 'Cheat Sheet.'" A copy of the document is at Appendix C. The "cheat sheet" gives students a handy list of the type of information they should ask for when getting an assignment from a supervisor, phrased in question form. For example, it encourages a student to ask: "Do you have any suggestions about the best place to start my research?" "Are there any samples of this type of (motion/brief/pleading/memo) I can look at?"

Like the "Welcome Memo" discussed supra, this tool is easily distributed before the externship begins, easily updated or expanded, easily used by students as a checklist, and easily shared with students outside the externship program.

3. "Students Guiding Students": Guided Reflection Assignment

One of the survey responses that most intrigued us was one that suggested that new externs could be better prepared if more experienced students served as their mentors. Within a month of the conference, Blanco drafted a "students guiding students" reflection assignment\(^{60}\) for student response at the end of each placement semester. In it, she asks students to think about what they might have done to better prepare for their specific placement (knowing what they know now) and what the law school generally or externship director specifically might have done to better prepare them for the field experience. After all, aside from the field supervisor, the person who best understands what the field supervisor wants and needs is the most recent extern.

The guided reflection assignment reads as follows:

Help me to prepare the next student in terms of what to expect at your placement; you are obviously the best person to prepare the student who follows you. Please think about these questions before you answer. Your answers may very well be incorporated into a manual for the next student:

1) What could the law school have done to better prepare you for your externship?
2) What could you have done to better prepare?
3) What five things (good or bad) should future externs at your placement know before the first day?
4) What are the five things (good or bad) about extern performance most important to your supervisor?

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\(^{60}\) Both of us require our students to write journal entries on a variety of guided reflection topics, including their goals and objectives for the semester, the confidentiality policy of the placement, gender and other bias in the practice of law, or reflections on the overall quality of oral and written advocacy by the lawyers they observed. For a discussion of the value of journals in externship programs, see J.P. Ogley, The Use of Journals in Legal Education: A Tool for Reflection, 3 CLINICAL L. REV. 55 (1996).
5) Do you recommend any pre-placement reading? If so, what?
6) What did you expect your externship experience to be, and how did that compare to the reality?

The “students guiding students” reflection assignment was first assigned at both schools in fall 2006. Some preliminary responses give us great hope for the potential of this tool. The following is a sample of the advice students have for their peers:

Competent blue-booking is necessary. It is not checked by the judge [and] the clerks do not want to waste valuable time checking citations . . . . Many simple blue-booking errors, more than just typos, make you look sloppy.
– extern with a District Court judge

Review basic bankruptcy law focusing on Chapter 7 cases. . . . the majority type of cases you will be working on will deal with Chapter 7.
– extern with a Bankruptcy Court judge

I cannot emphasize this strongly enough – treat the office as a separate and distinct environment from school. At school, you can pretty much chat up your classmates . . . because they almost always welcome distractions from studying. In the office, your discussions with attorneys should be tactful, keeping in mind that these people actually work for a living. Moreover, unlike school, once the work day ends, work stays at work – the attorneys have a finite amount of time to finish assignments.
– extern with a federal government agency

We are optimistic that we will receive many more thoughtful responses that will be instructive to students interested in a particular type of experience. The long range plan61 is to collect student responses for various types of placements and make the insights they contain easily available to any student seeking information about a placement. From just the preliminary responses above, the next student at those placements would certainly glean useful information about preparation for the placement, conduct expected at the placement, and the necessity for attention to detail.

4. **Uniform Supervisor Evaluation Form**

Within three months of the GLACE conference, Young took the lead in encouraging GLACE program directors to adopt a single form for supervisors to use to evaluate students at the end of each semester. With seven GLACE-member schools in Los Angeles and Orange Counties, most field placements have externs from each of our schools at one time or another, but the wide variety of formats and questions on individual evaluation forms could be confusing (if not annoying) to

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61 See Part IV.B., *infra*. 
field supervisors.

The GLACE-member schools enthusiastically received and adopted the uniform evaluation tool, and it was implemented by all GLACE program directors in fall 2006. A copy of the form is at Appendix D. Making the evaluation process easier will, we hope, lead to better and more consistent evaluations of student performance. We anticipate that the uniform evaluation form will provide valuable information in the short term, but even more valuable information in the long term if we are successful in developing a longitudinal database that allows us to examine the possibility that different types of placements evaluate students in very different ways.

An interesting issue that we did not address in our survey, nor have we addressed in this article, is the possibility that on-campus clinicians might evaluate students in different ways than off-campus field supervisors. While we did include a couple of on-campus clinical supervisors in our survey, we did not segregate their responses from those of their off-campus supervisory peers. This offers intriguing possibilities for later consideration in another survey (see our comments on a proposed future survey in the next part).

B. The "Big Picture" Plans

While the immediate program changes were easily implemented and addressed many of the issues identified by our field supervisors, we recognized that additional substantive changes would require long-term planning to round out the "big picture" of adequate student preparation for the first time field experience.

An obvious long-term goal is continuing to refine our "pro-active" training curriculum in a mandatory classroom setting for all externs, regardless of the number of credit hours involved. Such a

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62 One exception is UCLA, which will use an edited version of the form more narrowly tailored to reflect the types of placements it allows.

63 See Part IV.B., infra.

64 The perceived differences between the education provided by clinics and that offered by externships has been the subject of much research and commentary. See, e.g., Stickgold, supra note 3, at 313-18; Mosley, supra note 6, at 222-24; Smith, supra note 6, at 534-8. To our knowledge, however, nothing has been written about the comparative attitudes of the educators in each arena toward their pupils.

65 Much has been written about "pro-active" training for students to assist them in identifying situations with which they may not be familiar or comfortable in their field placements. For an initial discussion, see Blanco & Buhai, supra note 20, at 637; Alice Alexander & Jeffrey Smith, A Practical Guide to Cooperative Supervision for Law Students and Legal Employers, 29 Law Off. Econ. & Mgmt. 207, 219 (1998).

66 ABA Standard 305(c)(7) requires that the externship "seminar, tutorial, or other means of guided reflection [ ] be provided contemporaneously" with the fieldwork when students earn four or more units. We feel strongly, however, that the lessons learned in a pro-active curriculum are vital to all externs regardless of their unit commitments.
curriculum is important at the outset of the placement to acclimate students to the anticipated challenges in the first time field placement, and to empower them to meet those challenges successfully. This training is particularly important for students entering the field in the summer after their first year of law school, who would have had little training of any substance in rules of professional conduct or professional ethics. As the training is improved and refined, it should continue to receive increased classroom time.

We will also continue to update the “Welcome Memo” whenever supervisor comments or student experiences suggest additions or revisions. We may also divide it into multiple memoranda, tailoring each with advice specific to the type of placement. Similarly, we plan to continue to seek out and develop new checklists to reassure students and build their confidence, as well as inform and educate them. For example, a checklist of major treatises and practice guides, of which our survey respondents complained students were unaware, would be a useful tool to add to students’ kits.

We will also refine our “students guiding students” methodology periodically by tinkering with the questions and the information sought from our students. When we have a sufficient number of student responses, we will devise the best method for making the information available. Optimally, we would create a searchable database that students could use to research general placement categories (such as “Superior Court” or “Public Interest”) as well as specific placements or supervisors (such as “Judge Fruin” or “Public Law Center, Litigation Unit”). GLACE attempted to create a rudimentary database to achieve these goals in 1995, but the project withered due to scarce resources and limited technology. With improvements in technology and planned resource-allocation, a searchable database is now a more realistic goal. Undoubtedly, making this information available to prospective externs will assist them in preparing for their placements. In addition, students who invest the time to read the material on different placements they may be considering before arriving at a counseling session with the faculty externship director will gain a productive advantage and ask more informed questions.

Now that all seven GLACE-member schools are asking field supervisors to use the uniform evaluation instrument, we will rapidly begin amassing significant evaluative data. Several GLACE program directors are discussing and investigating the possibility of developing a longitudinal database to explore issues such as the types of lawyering skills required at some placements and not others (for example,

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67 We anticipate collecting at least 500 evaluations yearly from the seven GLACE-member schools.
those emphasized in judicial chambers but not necessarily emphasized at a public interest placement), the relative importance placed on
those skills by different types of placements, and the relative impor-
tance of certain work habits at different types of placements, including
on-campus clinics.\(^6\) By tracking supervisor evaluations over time, we
may also be able to see whether the programmatic changes we imple-
ment are reflected in better reviews of student abilities.

Another "big picture" goal is to enter our survey results into the
ongoing discussion about the proper objectives of the greater law
school curriculum. Some of the issues identified by our field place-
ments supervisors, such as students' lack of familiarity with legal re-
search resources or their difficulty writing with brevity, clarity and
sound analysis, are simply beyond our ability as externship faculty to
address. These may be issues of interest to our legal research and writ-
ing and other faculty or curriculum committees,\(^6\) so we will share our
survey results with those interested.

A final long-term goal involves the possibility of another survey.
The survey we prepared for the Externships 3 conference, although
highly instructive and certainly motivational for us, could have been
enhanced in a number of ways. First, a second survey would seek a
much greater number of responses by expanding the geographic area
covered and by increasing our efforts to follow up with unresponsive
recipients. If we significantly increase the number of responses we col-
lect to at least 100, we should be able to reach not just informative
conclusions, but statistically significant ones as well. For example, a
larger pool of responses is especially important in order to explore
possible differences between the skills desired by different types of
placements.

Second, we would revise the survey instrument to allow for more
sophisticated analysis of the data we collect. As noted in Part II.A,
 supra, the original survey was designed as a relatively blunt instru-

\(^6\) For example, are work habits and personal presentation expectations different at on-
campus clinic placements than at externships? Some perhaps, such as casual dress and
informal hours, may be more prevalent in the on-campus setting. This is another issue we
did not address, but is certainly worth exploring.

\(^6\) Catherine L. Carpenter, Professor of Law, Southwestern Law School, and Chair,
Curriculum Committee of the ABA Section of Legal Education and Admissions to the
Bar, spoke at the Second Plenary Session of Externships 3. In her Survey of Law School
Curricula, 1992-2002, published by the Curriculum Committee of the ABA Section on Le-
gal Education and Admissions to the Bar (available at www.abanet.org/legaled), she re-
ports that skills and simulation courses have increased in the last decade, and that Legal
Research and Writing courses have also expanded and grown in the last decade, with law
schools providing more units for this aspect of first year curriculum than in prior years. Is it
enough to produce basic competency after the first year of instruction? Not according to
our field supervisors.
ment, asking, for example, whether the supervisor had “1-4,” “5-8,” “9-12” or “13 or more” years experience supervising externs. A follow-up survey would ask for the precise number of years of experience in supervising students, how many externs the respondent has supervised, and the number of years he or she was in practice or on the bench. Having more precise answers will give us more flexibility in the way we analyze the results. This, together with a greater volume of responses, should yield enough data to evaluate whether a supervisor’s level of experience has an impact on her expectations of students.

We would also want to know what level extern the placement usually hires (1Ls during their first summers, or 3Ls closer to graduation?) to see whether the degree of student experience impacts the supervisors’ perceptions. And we may ask the respondents to describe any orientation or training they provide to externs on site, as some may have devised programs to address student inexperience in areas of specific concern to them.

Third, we would replace the set of skills enumerated in this survey with those used in the new GLACE uniform supervisor evaluation form, which would allow the possibility of comparing what supervisors say is an important extern skill with how those skills are rated at the end of the externship. We may also ask supervisors not just to choose the five most important extern skills, but to rank them in importance as well.

And last, as we prepared for this article, we began thinking about exploring whether survey results would differ as between supervisors in traditional on-campus clinics and off-campus field placement supervisors. Such a survey would require a much more sophisticated survey instrument with questions carefully crafted to seek information from supervisors that would make results meaningful in testing some of our preliminary hypotheses.

 CONCLUSION

As professional skills programs continue to carve their niche in the law school curriculum,70 clinicians are presented with a unique opportunity to structure or restructure professional skills curriculum in the overall law school curriculum. Our survey, while perhaps just a first step, certainly motivated us to begin thinking about and restructuring the preparation and training of our students in our off-campus programs by developing the tools we discussed in this Article. Addi-

70 See supra, note 5 (discussing the recent revisions to ABA Standard 302(b) that require, among other things, that law schools provide “substantial instruction” in “professional skills.”)
tionally, we feel confident that our tools will also assist in-house clinic supervisors in dealing with many of the same problems off-campus supervisors face, and may assist career services counselors as well when they work to place students in paid law clerk positions. We invite them to use or adapt any of our tools.

The willingness of our field supervisors to be candid in their assessments of the abilities of their externs provided us with more than enough information to make both substantive and procedural changes in our programs. We made these changes not to merely improve the performance of the student in the field (although this alone is a laudable goal—just ask our field supervisors), but more so to better prepare our students to face the challenges of the complex profession of being a lawyer and to provide them with the tools to maximize their first, almost universally overwhelming, exposure to the profession. Our dialogue with our field supervisors, although painfully frank at times, provided us with remarkable insight that will improve our ability as educators to prepare and train our students. Importantly, the dialogue also piqued our curiosity to explore many new issues that surfaced during our journey. For all of this, we thank them.
Fall 2007]  How To Better Prepare Our Clinic And Externship Students

APPENDIX A

CHAPMAN UNIVERSITY

To: All Judges, Attorneys and Law Clerks who Supervise Law Student Externs

In an effort to identify how law schools can better prepare students for externships, Chapman University School of Law and Loyola Law School Externship Directors ask for your help with the enclosed survey. Your input will be used to develop a program of pre-placement instruction for students at our own consortium of law schools (Loyola and Chapman are two of the seven law school members of the Greater Los Angeles Consortium on Externships). We also intend to present the program at a national conference on externships in March 2006 at which we will offer it to law schools from across the country.

Please complete the enclosed questionnaire and return it by mail, email or fax, by February 15, 2006. Your help is greatly appreciated.

Sincerely

Carolyn R. Young
Director of Externship Program
Chapman University School of Law
CarYoung@Chapman.edu
Extern Preparedness Survey

PART I

Your Name: ______________________________

Title/Position: ________________________________________________________________

Court/Agency/Organization: _____________________________________________________

Years experience supervising externs (check one): □ 1-4; □ 5-8; □ 9-12; □ 13 or more

From what schools have you hired externs (check all that apply):

□ Chapman  □ Southwestern  □ Whittier
□ Loyola  □ UCLA  □ Other ________________________________
□ Pepperdine  □ USC

PART II

Please check the first (5) skills that you find students most lacking at the outset of the externship; in other words, in what areas do externs need to be better prepared before they begin an externship:

A. Oral communication skills
□ Poise and confidence
□ Avoidance of “Ike” and “Unu,” etc.

B. Research Skills
□ Quality of research
□ Efficiency of research
□ Knowledge of available research resources

C. Writing and Drafting
□ Following basic rules of grammar, construction, format
□ Attention to detail
□ Quality of argument or analysis

D. Work Ethic
□ Punctuality and observance of deadlines
□ Attitude and response to supervision and criticism
□ Initiative / Self-reliance
□ Observation of professional ethics

E. Workplace Skills
□ Professional dress, comportment
□ Ability to adapt to office routine and format
□ Ability to deal with clients, public

F. Other
□ ____________________________________________
□ ____________________________________________
□ ____________________________________________
PART III

For each of the skills checked above, please describe in what way the skills are lacking, and/or what suggestions you have for law schools to help students better prepare for their externships.

Skill 1:

Skill 2:

Skill 3:

Skill 4:

Skill 5:

PART IV

May we contact you to discuss your responses further? Yes / No.

If yes, please provide your phone number

Please return by fax, mail or email by February 15, 2006, to:
Carolyn R. Young, Director of Externship Program
Chapman University School of Law
One University Drive, Orange, CA 92866
(714) 628-2651 (tel)/ (714) 628-2652 (fax) / CYoung@Chapman.edu

Thank you for your assistance!
MEMORANDUM

TO: Student Extern
FROM: Your Field Supervisor-to-Be
DATE: Now and Always
RE: What You Should Know Before Your Externship Begins

As your field supervisor for your upcoming externship, I want to share with you the following few things you should know, and a few things you should do, to prepare for your externship:

**Workplace Etiquette**

- **Dress for success.** Think Brooks Brothers, not Juicy Couture. If I think you should dress more casually, I'll tell you. And if I do tell you "business casual," that does not mean you would wear to school or to a club. No flip flops, tank tops, sequins or shorts, please.

- **Don't be shy.** Introduce yourself around. Everyone may look busy, but they are never too busy to say hello to the new kid, especially the new kid who is friendly and eager to help.

- **Talk to my support staff.** As you talk to me, and show them the respect you would want to be shown. The guy in the copy or file room really runs the show. If you cop an attitude, believe me, I'll hear about it, and you'll feel it.

- **Even if I start behaving more casually, that doesn't mean you should.** Don't call me "dude" or "man," or tell me about something "retarded" that happened to you last weekend. I may like you, but this is still a 15-week job interview.

**Workplace Attitude**

- **Demonstrate your maturity.** The extern with poise and confidence inspires confidence in me (even if you have to fake it until the self-assurance actually kicks in). When I talk with you about your work or a position you have recommended, don't back down too quickly. Be articulate and firm in your convictions.

- **Don't be afraid to ask questions when getting an assignment.** Make sure you understand exactly what I'm asking, the meaning of unfamiliar terms, key background facts, when it is due, what research sources you might use, and anything else that seems relevant. In fact, you might repeat the assignment back to me to make sure you've gotten it right and I haven't forgotten to tell you something important.

- **Take the initiative and demonstrate self-reliance.** Always try to figure something out for yourself before asking me for help. That said, don't spin your wheels for too long before letting me know you are stuck. Your time (and mine) is valuable, so don't waste it.

---

*By memo of dictation to Carolyn Young, Externship Director, Chapman University School of Law, and Barbara Blume, Externship Director, Loyola Law School. Last updated January 2007. Last Updated March 30, 2007*
How To Better Prepare Our Clinic And Externship Students

☐ When I call you to my office, bring a pad of paper and a pen with you. I may not be giving you a new assignment, but you need to be prepared in case I am. Please don’t keep me waiting as you run back to your desk to get a pen and paper, and don’t think you will remember everything I tell you without writing it down. Trust me, you won’t.

☐ Show up on time and turn your work in on deadline. If I forget to ask for your work when it’s due, you should come to me. And never leave tasks unfinished, especially if you know you won’t be in the office the next day.

☐ When you are finished with a project, seek me out to ask for another. Although you might get away with an afternoon of skimming off if I’m too busy to notice, when I do notice it will not look good.

☐ I didn’t go to law school to make photocopies either, but even the best lawyer has to Bates stomp exhibits or catch up on filing now and again. I’ll do my best not to give you too much of this work because I know you are here to learn about the practice of law, but realize that the practice of law includes stuffing the occasional envelope.

Brush Up Before You Show Up

☐ Review the applicable area of law or procedural rules before you start. For example, if you are working at the Court of Appeal, review the standards of appellate review and the California Style Manual to familiarize yourself with citation form. If you are working in the bankruptcy courts, read an article on the new changes in the bankruptcy law and be somewhat familiar with the basics of the Bankruptcy Code. If you are not sure what would be most useful for an overview of the subject, ask me for my suggestions – I’ll probably be impressed by your initiative.

☐ Read about my chambers/court/office/agency, so that you have a basic idea of what we do, how we work, and who we work for. "Google" me on the web or read a few cases I have handled or decisions I have written. That way when you show up your first day, you won’t say something silly about wanting to work on a type of case we don’t handle.

☐ Research and writing are the most important skills an extern can have, so I expect you to remember how to plan a research strategy and draft a memo. It has probably been a while since your first-year research and writing class, so review your notes or flip through your course book.

What I Want From Your Research and Writing

☐ Before you begin, go over the file or issue thoroughly first and pay attention to the details – you just might catch something I’ve missed.

☐ Brainstorm about the issues with the blinder off. Think about all the possibilities, not just the legal issues the parties have raised or I have asked you about.

☐ Outline, or at least jot down, a research strategy. That strategy should rarely begin with a term search for cases on Lexis and Westlaw, especially if the issue you are researching is new to you (and most will be). Start with treatises (Witkin or a relevant specialist), practice guides (Rutter), and digests (West). These all come in book form (an increasingly foreign concept to law students, I understand), and luckily for you are also on Westlaw.
Outline before you begin writing. "Build" your memo or brief from there.

Keep your writing clear and concise. Edit out unnecessary words and phrases and legal jargon. If you want help in this area, try Plain English for Lawyers by Richard C. Wydick, or one of Bryan A. Garner's many books.

Remember the hierarchy of authority.

Remember the standard to be applied.

Cite with Bluebook* (not that silly ALWD).

PROOFREAD!

PROOFREAD!!

PROOFREAD!!!

Have another extern PROOFREAD for you!!!

It is your writing, not your eyes, that is the window to your soul. I will expect you to produce thoughtful arguments and legal analysis. Never take shortcuts by substituting conclusory statements for careful reasoning.

Besides the Bluebook and the Rutter Guide, your most important legal tool is your common sense, so don't leave it at the door. Try to understand the issues as they play out in the real world, and worry less about whether your memo sounds like a lawyer wrote it, and more about whether it says what you want it to say clearly.

If you take the time to follow these rules both before and during your externship, our work together will be more beneficial to both of us.

* Or the California Style Manual, if you are working for or filing in a state court.
Appendix C

Assignment Clarification "Cheat Sheet"

Understanding what is expected of you when you receive an assignment at your placement is essential to producing quality work product. Use this checklist to make sure you have answers to all the relevant questions for the particular task you are being assigned.

- When do you need this? or, How long do I have to work on this? or, How long should I spend on this project?
- Are you available if I have questions or need to check in? Can I email you with questions?
- Do you have any suggestions about the best place to start my research? or I was thinking of starting with the treatises [or Westlaw] [or the Rutter Guide]; would you recommend anything else?
- Are you interested in federal [or state or 9th Circuit] law only, or should I broaden my search?
- Are there any samples of this type of [motion/brief/pleading/memo] I can look at? Where can I find them?
- Along with my memo, do you want me to turn in copies of the cases or other research materials I used? [Even if the answer is “no,” save them in case your supervisor asks for them later.]
- Are there any documents from the case file that I can look at to familiarize myself with the case more generally?

And the most important one:

- OK, just to make sure I understand, you want me to... (sum up assignment).
### Externship Supervisor's Evaluation Form

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<th>EXTERNSHIP PLACEMENT:</th>
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<td>FIELD SUPERVISOR(S):</td>
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<td>STUDENT EXTERNS:</td>
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Unless otherwise requested, this evaluation may be shared with the student.

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<tr>
<th>LAWYERING SKILLS</th>
<th>Not Applicable</th>
<th>Poor</th>
<th>Fair</th>
<th>Good</th>
<th>Excellent</th>
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<td>Other Skills</td>
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<th>PROFESSIONALISM/ WORK HABITS</th>
<th>Not Applicable</th>
<th>Poor</th>
<th>Fair</th>
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<td>Client Relations</td>
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<td>Dependability</td>
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5This evaluation form was developed by the Greater Los Angeles Consortium on Externships ("GLACE"), made up of member schools Loyola, USC, Pepperdine, UCLA, Southwestern, Whittier and Chapman.
### Fall 2007] How To Better Prepare Our Clinic And Externship Students

| Attitude toward Supervision, Criticism | | |
| Productivity and Time Management | | |

**STRENGTHS:** Please describe the extern's contributions to your chambers or office, such as the type of projects completed or ideas in which the extern showed particular strengths or skills:

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**NEEDS IMPROVEMENT:** For each category in which you rated the extern "Poor" or "Fair," please provide examples or otherwise describe the reasons for the rating:

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**EXTERNSHIP PROGRAM:** Do you have any suggestions for improving our externship program in general or ways we might assist you better in the future:

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**STUDENT FEEDBACK:** Although not required, we encourage supervisors to review evaluations with students as part of an exit interview. Please check below if you have done so:

---

| I have reviewed this evaluation with the student. |

---

Date: 

**SIGNATURE OF JUDGE OR ATTORNEY SUPervisor**

**PRINT OR TYPE NAME**

**TITLE**

Thank you for participating in the Chapman University School of Law Externship Program.

---

Please return the completed form to: Carolyn R. Young
Director of Externship Program and Assistant Professor of Legal Research and Writing
Chapman University School of Law
One University Drive, Orange, CA 92866
(714) 628-2651 (cell) (714) 628-2652 (fax)
CYoung@Chapman.edu