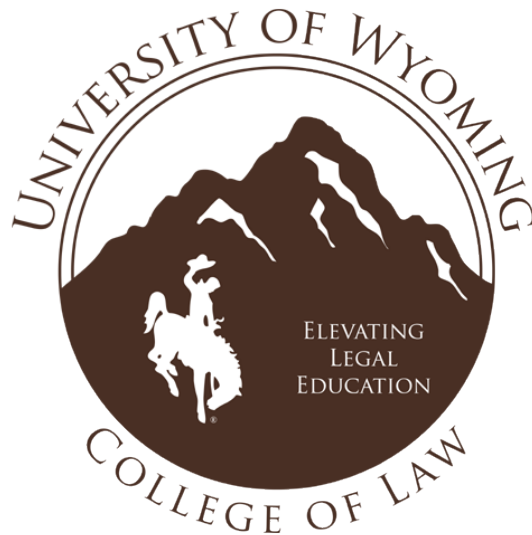


UNIVERSITY OF WYOMING COLLEGE OF LAW

EXTERNSHIP PROGRAM

FIELD PLACEMENT SUPERVISOR HANDBOOK



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INTRODUCTION¹

We want to start by thanking you for agreeing to serve as a Field Placement Supervisor. We recognize that you have significant responsibilities at your place of employment, and greatly appreciate your willingness to add to those duties by agreeing to mentor and instruct law students as they endeavor to learn the many things they will need to know to become effective members of the legal profession.

COURSE GOALS AND METHODS

The purpose of the externship program is to provide real-world experience through deliberate learning goals which draw from and further develop a student's legal education. Overall program goals include:

- Opportunities to develop substantive legal experience;
- Awareness and promotion of ethical legal practice and an ongoing dialogue related to professional responsibility;
- Further a student's skills set in research, writing, legal analysis, communication, client interactions, and advocacy;
- Meaningful reflection by the student of their developing strengths and a productive awareness of their weaknesses;
- Mentorship with supervising attorneys and staff, and a growing understanding of workplace issues such as office culture, giving and receiving feedback, work/life balance and meeting team goals.

To accomplish these and other goals, each supervisor will be given a set of guidelines as well as this Handbook. Students will be expected to conduct themselves professionally in their respective placements, and participate in the required classroom component of the course.

¹ This Handbook is based on materials from, including, but not limited to: The Catholic University of America, Vermont Law School, Pacific McGeorge School of Law, and the Greater Los Angeles Consortium on Externships (GLACE). <http://lexternweb.law.edu/>

This is an incredible opportunity to receive individual mentorship, develop a professional network and get some substantive experience in the real world of practice!

This Handbook is intended to provide information about our program requirements, to assist you in working with our externs, and to help you, your organization and the students get the greatest possible benefit from the experience.

SELECTING AN EXTERN

The law school does not assign externs to placements, and Field Placement Supervisors are under no obligation to interview or select any particular student – the choice is yours to make. Students typically review the law school’s list of pre-approved externship placements to determine which placement sites are most interesting to them. Students then submit an application with accompanying resumes. The Program Director then forwards the resumes of interested students to you for your selection. If you are interested in interviewing students prior to accepting their externship applications, please contact the students directly to arrange for an interview. Once you have made your selection(s) it is important to get the Program Director the information quickly, as the remaining students will need to be placed. Once placed, the student is responsible to contact your office and arrange a mutually acceptable start/end date and schedule.

PLACEMENT WORK REQUIREMENTS

Scheduling Work/Time Sheets:

After the student has completed registration for the semester and the student's classroom obligations are fixed, the student should contact you to set up a work schedule that is satisfactory to both you and the student and that will allow the student to complete the required number of work hours by the end of the semester. The University of Wyoming College of Law's fall semester starts in the middle of August and ends in late November. The spring semester starts in January and ends in late April, with a one week long spring break in March. The University of Wyoming College of Law also allows students to gain externship experience in the summer term. Students must prepare time sheets which document the time spent working for the placement. The time sheets should also explain the general nature of the assigned task; e.g., the specific area of research, writing, client interview, court appearance. Time sheets are the student's responsibility, and you need not review or sign off on the time sheet. However, each Sunday the student must email their time sheet by 6:00 p.m. to you and upload it into our online classroom WyoCourses, please review the report and if you see any irregularities, contact the Program Director, Ashli Tomisich immediately.

STRUCTURING THE EXTERN'S EXPERIENCE

During the time you supervise University of Wyoming College of Law externs, you will be providing a critical part of the students' legal and professional education. The students receive law school credit for their work as externs, and we want them to receive meaningful, challenging work and regular, honest feedback. For their part, our students take this program seriously, work hard at it and want to be able to contribute to your organization and its work product in an efficient and productive fashion. The suggestions set forth below are intended to help everybody meet these goals.

Prepare for the Extern's Arrival. Some field placements have formal, well-established externship programs. It is far more common, however, to find that placements run their externship program more informally. While there is nothing wrong with some informality, it is important for you to determine how you intend to integrate the students into your office and to decide whether the student be working with only one attorney or several. If externs will receive work from several attorneys,

you should consider designating one supervising attorney who can act as a “clearing house” through which all assignments must pass. That attorney can solicit and gather potential assignments from other attorneys and review the proposed work before it is assigned. If one person takes responsibility for all assignments given to an extern, he or she can make sure that the extern does not have too little work (the absolute worst situation for a student who has only limited time to spend with you) or too much work, and that no student gets bogged down with an assignment that is too burdensome or has only marginal educational value. Since students sometimes report that early in the externship they spend considerable time looking for assignments, it also helps if one or two projects are identified which can be assigned to the extern immediately upon arrival. Students may work closely with professionals who are not lawyers such as law clerks, administrators or paralegals, but there must be an attorney who is ultimately responsible for assigning, supervising and reviewing each student’s work.

When the students arrive, take time to conduct a brief orientation. Particularly in large offices, it is very helpful if students are given a tour of the office and are introduced to people they will need to know. If you have not yet discussed your expectations and the student’s obligations, the orientation meeting is a good opportunity to do so. We give students a “learning agenda” so that they sit down with you to discuss their expectations and learning goals for the externship experience. To the extent possible, we hope that each student receives work that addresses the identified goals.

Finally, a review of the work that your organization performs will help set the stage for the extern. Students will learn from performing their own work assignments, from interacting with the assigning attorneys, and from observing how you and others in your office fulfill their professional responsibilities on a day-to-day basis. A discussion of your organization’s mission and structure, and of the professional, confidentiality and ethical issues which are important to your organization, will help the student understand the “big picture” and how they fit into the office and its professional work output, as well as informing the student about their responsibilities and how they can help advance your objectives.

We strongly encourage each student to spend at least 50% of his or her hours physically located in the office. This exposure to the professional legal

environment will greatly benefit students, some of whom have never worked in a professional setting before.

Provide Appropriate and Well-Defined Assignments. Externs need to be placed in a lawyering role, either by performing their own legal assignments (often handling a small, discrete portion of a larger project or case such as researching or briefing particular issues), collaborating on the larger project with the assigning attorney (this can be particularly helpful to demonstrate how the extern's work advances the overall project), or observing the supervising attorney's work on complex matters. At each placement site, an extern can and should be given tasks which further their skills in being an ethical attorney and in areas such as factual development, identification and articulation of legal issues, legal research and analysis, formulation of action alternatives, written and oral communication, and successful collaboration with others.

An important key to any successful externship is the ability of an assigning attorney to give assignments effectively. When any project is assigned, it is important to know what you expect from the student and to communicate all aspects of your expectations to them. It is also helpful for you to explain the context in which the assignment arises, how the problem or issue fits into the broader project or case file, and the use which will be made of the student's work product to advance the project or case objectives. This is important since things which may seem obvious to you with your experience may be less clear to a student who is trying to learn how one resolves a legal issue or practices law in your area of expertise. In addition, think back to how complicated legal tasks seemed to you when you first started working – and then consider giving students a suggested plan of attack to get them headed in the right direction as they struggle to begin working on your assignment. Have you explained each assignment with the relative inexperience of the student in mind? Have you discussed the basic objectives of the assignment or project with the student? Our most effective supervisors also take the time to explain:

- When drafts of the assignment are due and when the final product is due;
- The approximate amount of much time the student is expected to spend on the assignment, including time for research and drafting (keeping in mind that

students may require extra time for thorough research) and the issues the student should address;

- The format you require or expect – you might consider providing the student with an example of the format of the memo or brief to assist the student in understanding your expectations – and the level of technical perfection expected for the memo, brief or letter in terms of case references and citations;
- Who the student should ask for assistance if you are unavailable;
- Starting points for legal research and the legal resources which might provide information about the problem or issue, moving from the general to the specific.

Finally, it is very important to ask the student if she has questions or concerns about the assignment (again, remembering that the student may be unfamiliar with the particular substantive area of the law which is being addressed).

Periodic Extern Meetings, Assignment Follow-up. As all Field Placement Supervisors are extremely busy practitioners, it is very easy to let time slip by without spending any one-on-one time with the externs. From the law school's perspective, however, it is essential that all students meet individually with their Field Placement Supervisors approximately once a week to check in, review completed work, address any problems and discuss future assignments. In addition, the assigning attorney for each project should follow up regularly with the student as the assignment progresses. As students begin working on assignments, they often need additional or periodic help, clarification, or reassurance that they are on the right track. Redefinition of the task is common as the student gathers information and gains a more precise understanding of the project. Although interactions during the execution phase are frequently marked by informality and brevity, these exchanges can be very important. In addition to the weekly meetings, it is very useful to schedule a meeting near the middle of the semester which can be devoted to a more extensive evaluation of the student's work and reactions to the placement experience so that mid-course corrections can be made if any problems are identified. This can be done in conjunction with the Mid-Term evaluation you are required to fill out.

Provide Constructive Feedback on All Assignments. The assigning attorney should provide timely feedback on every assignment the extern completes. The nature of the feedback will depend on the type of assignment involved – a short research assignment resulting in a brief oral report may only warrant a five or ten minute conversation, while a substantial written project deserves more time and attention. Students consistently report that receiving regular feedback throughout their externship greatly improves their learning experience. In addition, constructive feedback benefits the assigning attorneys who see vastly improved student performance. When reviewing an extern’s work, it may prove useful to first ask the student to evaluate both the assignment and her own performance. For example, did she think the assignment was appropriately challenging? Was it too difficult or too easy? Was the project adequately explained so that she knew what was expected of her? If she encountered obstacles or questions along the way, did she seek and obtain guidance? Is the student satisfied with her own performance? If not, what changes would she make?

These questions will not only help focus the conversation, they also will force the student to reflect on the work she has performed and what she could have done to improve it. An interactive problem-solving conversation is more likely to be productive and easier than one in which the student listens passively while the reviewing attorney is required to do all of the talking. Furthermore, the student is far more likely to accept suggestions for improvement if she has independently recognized areas that need attention. The student’s assessment may also help to highlight issues that need to be addressed – perhaps problems with the final work product were created by an attorney’s rushed description of the assignment or by the student’s unfamiliarity with the necessary research tools. If the reviewing attorney elicits the student’s impressions, these issues can be uncovered and handled more effectively.

Many reviewing attorneys are very concerned with making the student’s externship pleasant and, as a result, may shy away from the sometimes uncomfortable task of critiquing the student’s work. While that impulse is understandable, students need, deserve and actually *want* honest feedback. In order to be effective, suggestions for improvements should be as specific as possible. Our students are eager to become good lawyers, and welcome specific advice on how they can hone their skills.

Experts suggest that, in order to be effective, feedback much be **F.A.S.T.:**

Frequent

Accurate

Specific

Timely

State Bar of Wyoming – Practical Training of Law Students. Please review the Bar Rule 9 for the supervision of law students. That Rule is included as an index to this handbook. You can also find the full rules through the Wyoming Supreme Court website, here:

<http://www.courts.state.wy.us/WSC/CourtRule?RuleNumber=99#6159>

THE WORKPLACE ENVIRONMENT

We recommend that students be provided with:

- A desk or other secure workspace that is their own, along with a telephone and desktop computer or easy access to them – although the workspace, telephone and computer may be shared with other externs who have different work schedules;
 - Having a computer prepared through your IT department can save both the student and supervisor substantial frustration if it is ready to be used on the first day.
- Access to adequate legal research materials to accomplish assigned tasks – including computerized legal research capability if that would be helpful;
- A copy of any written office procedures or policies (including confidentiality policies or requirements), along with office keys or identification badges;
- Clear instructions as to any workplace limitations, such as areas that may be off-limits or materials which are particularly sensitive or exceptionally confidential.
 - Consider the issue of parking and have a plan in place for the student's first day. Communicate parking protocol to the student while discussing scheduling.

In addition to providing a useable workspace, it is important to include the student in the office culture. The more the student is treated as part of the team, the better the experience will be for everyone. Please consider some of the following:

- Students could be invited to meetings, if they are relevant to an assignment, or may enhance the student's understanding of the overall project or of the work normally performed at the placement site;
- General office communications could be circulated to students;
- Students could be formally introduced to all staff members they are likely to encounter during the semester;
- Students could be included in informal workplace events such as celebrations or group lunches – even if they occur on a day the student is not normally at the placement site, if invited, a student may wish to make a special trip to attend.

It is critically important to communicate clearly and frequently with externs. Open communication can prevent misunderstandings, clarify expectations and ensure that your extern both is, and feels like, an important member of your workplace team.

WRITING SAMPLE

The Externship Program Policy requires that students submit a writing sample completed for their field placement site. If confidential material is contained in the writing sample, the sample should be redacted to delete that information before it is removed from the placement site. If necessary, students may *significantly* redact documents. The Program Director's review of the writing sample helps the Director evaluate the student's performance and also informs the Director about the type and quality of the assignments given at the various placement sites. You may wish to ask the student to supply a copy of the writing sample to you before it is delivered to the Program Director so that you can be satisfied that confidentiality requirements are being appropriately observed. We recognize that at most placement sites all work is covered by confidentiality requirements and that in some circumstances, such as judicial externships, significant and thorough redaction may be necessary.

EVALUATIONS OF STUDENT PERFORMANCE

Near the end of the semester, the Externship Program require you to fill out a form to evaluate the student, this is the same form used in the mid-term report. A copy of that form is included on our website. The evaluation form should be promptly completed and returned to the Program Director. Important to this evaluation, please include something the student participated in that was exceptional, ie: argued a motion in court, sat second chair at a trial, etc. We also ask that the Field Placement Supervisor schedule a meeting with the student at the end of the semester to review the evaluation and to discuss the overall placement experience.

After the students have finished their work, they are asked to write a reflective paper that includes an evaluation of their field placement experience and of the related seminar. In addition to the student evaluations, the Program Director will periodically contact you to arrange a visit to the placement site.

The University of Wyoming College of Law also offers a short Field Placement Supervisor training program. You will receive separate invitations to the training programs, and we hope that you will be able to attend. This training will occur in conjunction with the Spring Externship Fair. If you are unable to attend, you may request a digital copy of the training by emailing the Program Director. Field Placement Supervisors are also encouraged to visit the University of Wyoming College of Law campus or to contact the Program Director at any time.

Thank you again for your dedication to a future attorney and upholding the high caliber of mentorship and legal knowledge we've come to expect from our Field Placement Supervisors.

Questions or Comments can be directed to:

Ken Chestek, Externship Program Director
kchestek@uwyo.edu
(307) 766-3367
University of Wyoming ~ College of Law

Rules Governing the Wyoming State Bar and the Authorized Practice of Law

Rule 9. Limited practice by law school clinic supervising attorneys and law students.

(a) *Purpose of rule.* The bench and the bar are primarily responsible for providing competent legal service for all persons, including those unable to pay for these services. This rule is adopted as one means to assist practicing attorneys to provide such services and to encourage clinical instruction by the College of Law of the University of Wyoming in various legal work.

(b) *Definitions.*

- (1) A "clinical law program," for purposes of these Rules, is a program in which law students qualified pursuant to this rule receive instruction regarding law practice and engage in limited practice of law under the supervision of an attorney.
- (2) "Eligible law student" means a person who is duly enrolled (or is in the period between semesters and in good standing) in a law school accredited by the American Bar Association and has completed at least two semesters of full-time study, or is a graduate thereof during the time prior to announcement of the results of the first bar examination given after such graduation; and
 - (A) has been certified by the dean or designee of the law school as being of good academic standing and to be of good character and competent legal ability;
 - (B) has filed an affidavit with the Wyoming Supreme Court that the student will comply with the ethical standards set forth in the Rules of Professional Conduct for Attorneys at Law; and
 - (C) has been identified as a student and accepted in writing by the client.
- (3) "Indigent person" means the person to be represented shall meet the income-and-asset criteria within the poverty guidelines of the Wyoming Center for Legal Aid.
- (4) "Supervising attorney" means
 - (A) if supervising a case in any court, agency, or administrative tribunal of the State of Wyoming, a member of the Wyoming State Bar or a law school clinic supervising attorney not a member of the Wyoming State Bar but certified pursuant to the provisions of these Rules; or
 - (B) if supervising a case in any court, agency, or tribunal of the United States or another state of the United States, an international tribunal, or court or agency of another country, an attorney allowed to practice under the rules governing practice before that tribunal in which representation is provided.

(5) "Limited practice of law" means advising others and taking action for them in matters. It includes preparation of legal instruments and acting or proceeding for another before judges, courts, tribunals, commissioners, boards or other governmental agencies.

(c) *Duties of Supervising Attorney.* Any attorney who supervises a student shall:

- (1) assume personal professional responsibility for and supervision of the student's work;
- (2) assist the student to the extent necessary to ensure that the student's participation is effective on behalf of any client represented;
- (3) sign all pleadings, briefs, and other documents prepared for a case and delivered to any tribunal for which representation is provided pursuant to these rules;
- (4) appear with the student in all trials and administrative hearings, but the designated supervising attorney need not be personally present in court in other matters, civil or criminal, when the client consents thereto in writing and with approval of the court in which the matter is pending;
- (5) appear with the student at all other proceedings unless the attorney deems his or her personal appearance unnecessary to assure proper supervision. This authorization shall be made in writing and shall be available to the judge or other official conducting the proceedings upon request; and
- (6) be present in court in any criminal matter in which the client has the right to the assignment of counsel under any constitutional provision, statute, or rule of this court.
- (7) A supervising attorney other than a law school clinic supervising attorney shall not supervise more than three (3) students at any time.

(d) *Law school clinic supervising attorneys.* A law school clinic supervising attorney not a member of the Wyoming State Bar but certified pursuant to the provisions of this rule may appear as a lawyer, solely in connection with supervision of a clinical law program approved by the dean and faculty of the College of Law of the University of Wyoming, in any court or before any administrative tribunal in this state on behalf of any person, if the person on whose behalf he is appearing has indicated in writing his consent to that appearance. Such written consent shall be filed in the record of the case and shall be brought to the attention of the judge of the court or the presiding officer of the administrative tribunal.

- (1) Requirements and limitations. In order to make an appearance as a lawyer pursuant to this rule, the law school clinic supervising attorney must:
 - (A) Be duly employed as a faculty member of the College of Law of the University of Wyoming for the purpose, *inter alia*, of instructing and supervising a clinical law program approved by the dean and faculty of the law school;
 - (B) Be a member in good standing of the Wyoming State Bar or the bar of another jurisdiction;
 - (C) Neither ask nor receive any compensation or remuneration of any kind for his services from the person on whose behalf he renders services; and
 - (D) Certify in writing that he has read and is familiar with the Wyoming Rules of Professional Conduct, the rules of this Court and the Wyoming statutes relating to the conduct of lawyers.

- (2) Certification of law school clinic supervising attorneys.
- (A) The certification of a law school clinic supervising attorney by the dean of the College of Law of the University of Wyoming shall be filed with the clerk of the Supreme Court and with the Wyoming State Bar and shall remain in effect until withdrawn.
- (B) A law school clinic supervising attorney certification:
- (i) May be withdrawn by the dean of the College of Law at any time by filing a notice to that effect with the clerk of the Supreme Court who shall forthwith mail copies thereof to the law school clinic supervising attorney. It is not necessary that the notice state the cause for withdrawal;
 - (ii) May be terminated by the Supreme Court at any time without cause and without notice or hearing. Notice of the termination shall be filed with the clerk of the Supreme Court and with the Wyoming State Bar; and
 - (iii) The procedures otherwise provided by law or court rules governing the discipline of lawyers shall not be applicable to the termination of the certification of a law school clinic supervising attorney pursuant to this rule. Termination of certification shall be without prejudice to the privilege of the individual to make application for admission to the Wyoming State Bar.

(3) Applicability of rules. The rules of law and of evidence relating to privileged communications between attorney and client shall govern communications made or received by individuals certified under the provisions of this rule. All persons participating in a program of instruction pursuant to which an individual is certified under this rule are enjoined not to disclose privileged or confidential communications whether in the implementation of a course of instruction or otherwise.

(e) *Limited practice by law students.* An eligible law student may engage, as an intern, in the limited practice of law if:

- (1) The person to be represented consents in writing to legal assistance to be provided by the student; and
- (2) the law student is under the general supervision of an active member of the Wyoming State Bar (when the student is an intern with any entity, the supervising lawyer shall be specified); or
- (3) the law student is under the supervision of a law school clinic supervising attorney, under the following conditions:
 - (A) The student is certified as outlined subsection (4) below;
 - (B) The person to be represented shall be indigent as defined in section (b)(3) of this Rule or who, because of limited financial ability or the nature of the claim, would be unlikely to obtain legal representation, or any non-profit organization if the client or non-profit organization has consented in writing to that appearance or representation; and
 - (C) Neither the student nor the law school clinic supervising attorney shall ask for or receive any compensation or remuneration of any kind for the services rendered to the indigent, except that law school clinic supervising

attorneys may receive their regular pay from the University of Wyoming College of Law.

(4) Certification of eligible law students.

(A) Certification by the dean or designee of the law school of the student's good academic standing, good character and competent legal ability shall be filed with the Supreme Court. The dean or designee of the law school shall promptly notify the Supreme Court of any changes affecting the certification.

(B) The certification shall remain in effect until the date of the first bar examination following the student's graduation, and as to a student taking that examination, until the announcement of the results thereof. For any student who passes that examination, the approval shall continue in effect for three months after the date of examination or until the date of his admission to the bar, whichever is sooner. The certification shall terminate if withdrawn by the dean or designee or ordered by the Supreme Court.

(f) *Limited practice by students engaged in the study of law pursuant to Wyo.Stat. Ann. § 33-5-105.* A person studying law in the office of a member of the Wyoming State Bar pursuant to Wyo.Stat. Ann. § 33-5-105 (1977) may engage as an intern in the limited practice of law under the general supervision of the lawyer under whom the person is studying, conditioned as follows:

(1) The student has:

(A) satisfactorily completed one (1) year of office legal studies as approved in advance by the Board of Law Examiners and satisfactorily completed two (2) semesters of legal studies or the equivalent thereof in a law school approved by the American Bar Association; or

(B) satisfactorily completed two (2) years of office legal studies as approved in advance by the Board of Law Examiners and be enrolled in the University of Wyoming College of Law;

(2) The student has been certified to the Wyoming Supreme Court by the supervising lawyer to be eligible as provided in this rule;

(3) The student has filed an affidavit with the Wyoming Supreme Court as an agreement to comply with the ethical standards set forth in the Rules of Professional Conduct for Attorneys at Law; and

(4) The person to be represented consents in writing to legal assistance to be provided by the student.

(5) The supervising lawyer shall be present whenever the student appears before any court, tribunal, commission, board or other governmental agency of the state, and such appearance shall not be waived by such court, tribunal, commission, board or other governmental agency.

(6) A lawyer shall not supervise more than one (1) student at any one time.

(g) *Withdrawal of certification.* Certification by the dean or designee of the law school or by a supervising lawyer under whom a student is studying pursuant to Wyo.Stat. Ann. § 33-5-105 (1977) may be withdrawn without cause upon notice of such to the Supreme Court; and the Supreme Court may terminate the practice of law by any student at any time without hearing or showing of cause.