TECHNIQUES FOR EFFECTIVE EXTERN SUPERVISION

A. Goal Setting - Early in the Semester

Ideally you should meet with your extern at the beginning of his/her externship to discuss educational goals for the semester. It is a good idea to conduct a follow-up discussion with you extern at the mid-point of the semester to discuss progress and any adjustments that may need to be made. Goal setting is critical for you and the student to set appropriate expectations and to assist with planning assignments and opportunities for observation.

B. Adequately Define and Explain Work Assignments

1) Even if multiple attorneys are assigning work, a single person should be designated to act as a “clearinghouse” through which assignments are channeled. That attorney should review the proposed work before it is assigned, and ensure that externs do not have too much or too little work and that an extern is receiving a variety of assignments.

2) Assignments should:

• include an adequate description of the work required, including the desired form for the finished product, i.e., an overview outline, a detailed memo with copies of cases, a draft order, an oral briefing, a declaration, etc.
• provide a sufficient factual and contextual background
• clearly explain the purpose or objectives of the assignment
• provide a realistic time frame for completion (triple the amount of time you think it might take you)
• suggest available office or library reference materials (“I’d start with the Rutter Guide to orient yourself to…; a sample motion format can be found at…”)
• include whether you will be available for questions along the way and, if not, who the extern should consult and how (e-mail, phone, in-person, etc.).
C. Arrange Weekly Meetings to Check In With Your Externs

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

D. Provide Timely and Constructive Feedback on Assignments

1) Providing Timely Feedback – Externs should receive timely feedback on every completed assignment from the assigning attorney. One supervision model suggests that supervision should be FAST:

- Frequent – the weekly meetings work well to assure the frequency of feedback
- Accurate – describe actions or behaviors that can be addressed, not the person
- Specific – pinpoint discrete identifiable points to be replicated or improved upon
- Timely – if too much time passes, externs are likely to repeat their mistakes

2) Providing Constructive Feedback – you may be reluctant to critique an extern’s work but externs need, deserve, and actually want honest feedback. Without feedback, externs often assume that “no news is good news,” and will continue to repeat the same errors unless they are given specific suggestions regarding how to improve.

a) **Lead with the positive** – the goal is to highlight a particular success (be it a paragraph or an aspect of a presentation) so that it can be reinforced and replicated. Recognition of something that was well done can be a powerful motivator.

b) **Provide a limited number of suggestions** for improvement at any given time.

c) **Plan what you want to communicate** in terms of content and the manner in which you will say it.

d) **Check for understanding** by posing a question or comment that allows the extern to show he/she can incorporate the suggestions going forward.

e) **Remain open** to the possibility of improvement. Occasionally an extern’s work does not measure up and a natural inclination may be to give the extern less demanding work. However, the extern’s placement with you has an educational purpose; allowing the opportunity to demonstrate learning is critical to the extern’s professional development.

Externs are encouraged to engage with you in a collaborative supervision mode, not a passive one. We suggest that you encourage externs to assess their own work, to identify and discuss what they found challenging, and to suggest their ideas as to how the work could be improved. See, A. Alexander and J. Smith, *A Practical Guide to Cooperative Supervision for Law Students and Legal Employers*, 29 Law Office Economics and Management 207 (1988).

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1 The mid-term and end-of-term evaluations which are included in this manual are useful reference tools when considering topics on which you might want to provide externs with feedback. The broad topics of the evaluations are: Research and Analytical Skills, Writing Skills, Legal Knowledge, Oral/Advocacy Skills, Ethical Concerns, Attitude and Work Habits, and Professionalism.
E. Create Opportunities for Learning:

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

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

- Client interviewing and counseling
- Witness interviewing and preparation
- Fact investigation
- Case strategy discussions
- Depositions
- MCLE events
- Meetings with co-counsel
- Negotiations with opposing counsel
- In-chambers discussions or staff meetings
- Hearings and/or trials

F. Keep the lines of communication open:

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