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# The Journey Toward Excellence in Clinical Legal Education: Developing, Utilizing and Evaluating Methodologies for Determining and Assessing the Effectiveness of Student Learning Outcomes

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**THE JOURNEY TOWARD EXCELLENCE IN  
CLINICAL LEGAL EDUCATION:  
DEVELOPING, UTILIZING AND  
EVALUATING METHODOLOGIES FOR  
DETERMINING AND ASSESSING THE  
EFFECTIVENESS OF STUDENT LEARNING  
OUTCOMES**

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Ann Marie Cavazos\*

*“Tell me and I’ll forget; show me and I may  
remember;  
involve me and I’ll understand.”*

Chinese Proverb

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## I. INTRODUCTION

In January 2010, at its annual winter meeting, the Association of American Law Schools (“AALS”) held a workshop entitled “Requiring Law Schools to Measure Student Learning: A Forum on ABA Accreditation Standards.”<sup>1</sup> The American Bar Association (“ABA”) Section on Legal Education charged their Standards Review Committee (“Committee”) with integrating outcome measures into law school accreditation standards.<sup>2</sup> Presently, the Committee is considering a structure in which law schools will be required to articulate appropriate student learning outcomes and assessment to ensure that students are attaining relevant skills and abilities.<sup>3</sup>

In response to the ABA’s desire to engage legal educators in student-assessment dialogue,<sup>4</sup> this Article examines how law school clinical programs can properly utilize assessments as a means to develop and evaluate student-attorneys’<sup>5</sup> development and progress of their practical legal skills<sup>6</sup> learning objectives, and to implement improvements that achieve clinic goals, such as training competent lawyers.<sup>7</sup>

Law school clinical education is an ideal setting to embrace student assessment because these programs already focus, by necessity, on training student-attorneys to perform common legal tasks in a practical environment.<sup>8</sup> Establishment and regular assessment of student learning outcomes can measure achievement of targeted training goals to ensure that the student acquires practical skills to be a competent attorney.<sup>9</sup> Implementing evaluation tools that assess abilities, knowledge, perspective,

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1. AALS Executive Comm. Forum with the ABA Section on Legal Educ. & Admissions to the Bar, *Requiring Law Schools to Measure Student Learning: A Forum on ABA Accreditation Standards*, in ASS’N OF AM. LAW SCHOOLS, ANNUAL MEETING PROGRAM 50, New Orleans, La. (Jan. 8, 2010), available at <http://www.aals.org/am2010/AMProgram2010.pdf>.

2. *Id.*

3. *Id.*

4. *Id.*

5. The term “student-attorney” is used in this article to refer to interns and externs unless otherwise stated.

6. Ross Hyams, *Student Assessment in the Clinical Environment—What Can We Learn from the US Experience?*, 9 INT’L J. CLINICAL LEGAL EDUC. 77, 77 (2006).

7. Nina W. Tarr, *The Skill of Evaluation as an Explicit Goal of Clinical Training*, 21 PAC. L.J. 967, 967-69 (1990).

8. *Id.* at 967.

9. GREGORY S. MUNRO, OUTCOMES ASSESSMENT FOR LAW SCHOOLS 11 (Inst. for Law Sch. Teaching Gonzaga Univ. Sch. of Law 2000), available at <http://lawteaching.org/publications/books/outcomesassessment/munro-gregory-outcomesassessment2000.pdf>.

and personal attributes desirable in future attorneys is crucial for effectively measuring student learning outcomes.<sup>10</sup>

This Article proposes pedagogy and methodology for the assessment of student learning outcomes in a Model Clinic Program, intended to accomplish the clinic's goal of preparing students for the practice of law.<sup>11</sup> The Clinic Model emphasizes apprenticeship methodology and assessment pedagogy to ensure that students are learning and developing the legal skill sets that they are expected to learn.<sup>12</sup> In this Article, the Author will depict the Clinic Model in the present tense to illustrate a working, not just a theoretical, model.

In furtherance of the ABA dialogue, the Article provides background information about apprenticeship, also referred to as "hands-on"<sup>13</sup> practice in legal education, a description of the Model Clinical program framework, the pedagogy and assessment methodology<sup>14</sup> used by the Model Clinic, the "tools of the trade" of supervisory methodology and clinical assessment, and evaluation protocol for assessing whether students achieved their learning objectives.<sup>15</sup> In addition, this Article includes examples of model evaluation forms in the Appendices for reference and discussion, adoption, or modification by the law school-based clinic community for assessing outcome measurements.<sup>16</sup>

The Author's hope is that readers of this Article will carefully consider the ideas presented here, and engage in further dialogue as we in the legal education community seek to enhance our students' practical skills to meet the emerging demand for competence upon graduation.

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10. *Id.* at 50.

11. ROY STUCKEY ET AL., BEST PRACTICES FOR LEGAL EDUCATION 199-200 (Clinical Legal Educ. Ass'n 2007).

12. Tarr, *supra* note 7, at 984-88 (discussing the importance of good evaluation and its implementation).

13. Hyams, *supra* note 6, at 80 ("This 'hands-on' approach provides direct transfer of knowledge from the immediate problem being faced by the client and the clinical student, to the next client that presents with a like problem.").

14. Tarr, *supra* note 7, at 984-88.

15. *See id.* at 982-83.

16. J.P. OGILVY ET AL., LEARNING FROM PRACTICE: A PROFESSIONAL DEVELOPMENT TEXT FOR LEGAL EXTERNS 319-23 (1998); *see also* MUNRO, *supra* note 9, at 211-13.

## II. BACKGROUND IN LEGAL EDUCATION

It is well established that members of the legal profession played a significant role in this nation's history.<sup>17</sup> Among other contributions, twenty-five of the fifty-six signatures of the Declaration of Independence belonged to lawyers.<sup>18</sup> Early in the history of the United States, most lawyers were trained in the legal profession through apprenticeship.<sup>19</sup> Approximately all of the thirteen original states required, or so it appears, some period of formal apprenticeship before a person became a lawyer.<sup>20</sup> However, between the 1830s and 1840s a significant decline in educational standards and requirements for admission to the Bar took place.<sup>21</sup> It seems that by 1860, Bar examinations overall consisted of a casual oral assessment.<sup>22</sup> Although many states imposed a minimum age requirement of twenty-one for admission to the Bar, few states required even a "rudimentary *general* education" before one could practice law.<sup>23</sup> As a result, it is possible to surmise that many legal practitioners during the latter part of the 1800s may have received no formal legal education based on the lack of any meaningful requirements for admission to the Bar in most jurisdictions.<sup>24</sup> This period, when most lawyers who had received some type of formal legal education had done so through some form of an apprenticeship rather than in the form of institutionalized legal education, lasted until the end of the nineteenth century.<sup>25</sup> During this same period, formal legal education evolved with the establishment of institutions such

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17. See Mark L. Jones, *Fundamental Dimensions of Law and Legal Education: An Historical Framework—A History of U.S. Legal Education Phase I: From the Founding of the Republic Until the 1860s*, 39 J. MARSHALL L. REV. 1041, 1124 (2006).

18. C. Ronald Baird, *Each of Us Has a Role to Play in Improving Civic Literacy*, 62 J. MO. BAR 298, 298 (2006).

19. See Mary Beth Beazley, *Better Writing, Better Thinking: Using Legal Writing Pedagogy in the "Casebook" Classroom (Without Grading Papers)*, 10 J. LEGAL WRITING INST. 23, 23 (2004); see also Jones, *supra* note 17, at 1063 ("The usual method of apprenticeship training seems to have involved some combination of directed reading, conversation with one's mentor, observation of the practice, and the performance of routine office tasks, particularly the copying of legal documents.").

20. Jones, *supra* note 17, at 1060.

21. *Id.*; see also Peter A. Joy, *Evolution of ABA Standards Relating to Externships: Steps in the Right Direction?*, 10 CLINICAL L. REV. 681, 687 (2004).

22. Jones, *supra* note 17, at 1060-61.

23. *Id.* at 1061 (emphasis in original).

24. *Id.* at 1061 n.66 (citing AMERICAN HERITAGE: THE PRESIDENTS 190-91 (Michael Beschloss ed. 2003)). Abraham Lincoln is one of the most famous examples of a self-educated lawyer who studied law in the early 1830s. *Id.* at 1061. He was admitted to the Illinois Bar in 1836. *Id.*

25. *Id.* at 1062.

as Harvard Law School in 1817.<sup>26</sup> Correspondingly, by the late nineteenth century, Christopher Columbus Langdell,<sup>27</sup> the new Dean at the Harvard Law School, departed from the apprenticeship method and implemented the case study method.<sup>28</sup>

In the decades that followed, formal law schools widely adopted the case study method of education, resulting in a discrepancy between law students educated through the case study method and those equipped with practical skills for the practice of law through the apprentice method.<sup>29</sup> In other words, as legal academia moved from one end of the spectrum to another, and educators lost sight of the practical aspects of legal practice gleaned through apprenticeships.<sup>30</sup> Some believe the apprenticeship model of the past provides practical lessons for legal education today.<sup>31</sup> One troubling issue cited by hiring law firms, governmental agencies, and corporations is the inability of today's graduating classes to "hit the ground running" due to the lack of practical lawyering experience.<sup>32</sup> Cost-conscious clients refuse to pay to "educate" newly admitted attorneys, forcing law firms to scramble with billing write-offs, internal mentoring,

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26. *Id.* at 1080-81.

27. Langdell became Dean of Harvard Law School where he transformed the law program of Harvard and in turn the law training programs of schools throughout the United States to what is called the case method. Bruce A. Kimball, *Young Christopher Langdell, 1826-1854: The Formation of an Educational Reformer*, 52 J. LEGAL EDUC. 189, 200 (2002); see also Hyams, *supra* note 6.

28. Beazley, *supra* note 19 (discussing the fact that Langdell was not the first to use the classroom, but that his scientific method was favored over the trade-school apprenticeship method of legal education).

29. See WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW 8 (2007) [hereinafter *Carnegie Report*]. The Carnegie Foundation for the Advancement of Teaching performed a two-year study of legal education involving the assessment of teaching and learning in American and Canadian law schools today. *Id.* at 15-16. Case dialogue instruction also known as the Socratic Method, emphasizes areas of law as subjects characterized by a distinct method of thinking dissecting situations/facts from a legal aspect. *Id.* at 2. This method of teaching has led to an imbalance in training future lawyers for the actual practice of law. *Id.* at 77.

30. Anahid Gharakhanian, *ABA Standard 305's "Guided Reflections": A Perfect Fit for Guided Fieldwork*, 145 CLINICAL L. REV. 61, 72 (2007).

31. *Id.* (summarizing, in part, an integrative approach to legal education that includes legal analysis and practical skills developed through modeling, habituation, experiment and reflection); see also J.P. Ogilvy, *Introduction to the Symposium on Developments in Legal Externships Pedagogy*, 5 CLINICAL L. REV. 337, 340 (1999) (discussing generally the state of externships in contemporary legal education).

32. Gary Blankenship, *Law Schools: Time to Get Practical?*, FLA. BAR (Aug. 1, 2009), <http://www.floridabar.org/DIVCOM/JN/jnnews01.nsf/8c9f13012b96736985256aa900624829/8cd b069589d3395e852575fb0067c45f?OpenDocument> (discussing the need for law students to have practical experience, not just top grades).

and other costly methods of legal training.<sup>33</sup> Other professionals, such as physicians and dentists, utilize a combination of academic study along with practicum experience so that students begin to learn their skill before graduation, not after.<sup>34</sup> As the ABA acknowledged, incorporating a blended methodology into legal education provides a balanced solution to the expectation currently demanded by today's marketplace.<sup>35</sup>

The ABA's report, entitled the "MacCrate Report," addressed the disparity between legal education and the actual practice of law.<sup>36</sup> The Report affirmed what the legal community already knew: law school graduates lack the fundamental skills and professional values that are considered the foundation for effective, competent lawyering.<sup>37</sup> Those fundamental lawyering skills include problem solving, legal analysis, legal research, factual investigation, legal drafting, general communication, counseling, negotiation, strategic deployment of the options of litigation, alternative dispute resolution, identification of the administrative skills necessary to organize and manage legal work effectively, and recognizing and resolving ethical dilemmas.<sup>38</sup> Many law schools developed new strategies to incorporate this perspective by implementing clinical courses, both in simulated and live-client settings.<sup>39</sup> Nevertheless, the question arose regarding whether law schools effectively ensured that students achieved

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33. *Id.*

34. See Hyams, *supra* note 6, at 81; see also Blankenship, *supra* note 32; Ronald M. Epstein, M.D., *Assessment in Medical Education*, 356 NEW ENG. J. MED. 387, 387-89 (2007), available at <http://www.nejm.org/doi/full/10.1056/NEJMra054784>.

35. AALS Executive Comm. Forum with the ABA Section on Legal Educ. & Admissions to the Bar, *supra* note 1.

36. AM. BAR ASS'N, LEGAL EDUCATIONAL CONTINUUM REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP 5 (1992), available at <http://www.abanet.org/legaled/publications/onlinepubs/maccrate.html> [hereinafter the *MacCrate Report*].

37. *Id.*; see also Blankenship, *supra* note 32.

38. See *MacCrate Report*, *supra* note 36, at 14-18. The *MacCrate Report* laid out the foundation for a successful law school program that FAMU Legal Clinic implemented in its program structure. The report stated, in part: Skill 1—problem solving; Skill 2—legal analysis; Skill 3—legal research; Skill 4—factual investigation; Skill 5—communication; Skill 6—counseling; Skill 7—negotiation; Skill 8—ability to employ or to advise a client about the options of litigation and alternative dispute resolution; Skill 9—administrative skills necessary to organize and manage legal work effectively; Skill 10—recognizing and resolving ethical dilemmas. *Id.*

39. See Gharakhanian, *supra* note 30, at 79 (emphasizing that students who undertook demanding experiential education found it empowering and liberating).

their learning objectives and reached the learning outcomes posed by the American Bar Association, the legal community at large, and the clients.<sup>40</sup>

### III. A MODEL FRAMEWORK

In a clinical program, student-attorneys gain first-hand knowledge of the strategic and ethical dimensions of the legal profession and acquire valuable legal skills.<sup>41</sup> Interacting with clients, supervisors, courts, and faculty offers student-attorneys an experience not learned by simply reading and analyzing cases and statutes.<sup>42</sup> For example, judicial and prosecution externships afford student-attorneys experience in the administration of justice through the enforcement of laws,<sup>43</sup> while internships in civil matters offer practical insight into client and case/matter management,<sup>44</sup> litigation, and transactional law. Clinic programs that meet and exceed ABA standards<sup>45</sup> optimize student learning through hands-on experience.<sup>46</sup>

The objective of most law school clinical programs is to provide outstanding student-attorneys to the community's indigent residents, as well as local legal organizations and agencies that serve the public interest.<sup>47</sup> In furtherance of this goal, clinics promote responsibility, accountability, and professionalism at all times by all parties, while striving for excellence in promoting justice, fairness, and a high level of ethics.<sup>48</sup> Positioned as a community partner, a clinic needs to encourage members of the legal profession, local community officials, and legal agency staff to

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40. Not all schools require third year law students to partake in clinical offerings. However, law schools are recognizing that clinics are imperative in the education of future practitioners. See Blankenship, *supra* note 32.

41. Not all schools require third year law students to partake in clinical offerings. However, law schools are recognizing that clinics are imperative in the education of future practitioners. See Blankenship, *supra* note 32; see also Tarr, *supra* note 7, at 967-68.

42. See Blankenship, *supra* note 32.

43. See Peter A. Joy, *Prosecution Clinics: Dealing with Professional Role*, 74 MISS. L.J. 955, 962 (2005).

44. Matters management is the transactional equivalent of case management. Specific software is available to assist with document assembly and other integrated tools to operate efficiently. See, e.g., Legal Files Software, *Legal Files for Legal Departments*, LEGALFILES.COM, [http://www.legalfiles.com/legal\\_dept.html](http://www.legalfiles.com/legal_dept.html).

45. SECTION OF LEGAL EDUC. & ADMISSION TO THE BAR, AM. BAR ASS'N, STANDARDS FOR APPROVAL OF LAW SCHS. & INTERPRETATION § 305, at 26-28 (2009-2010), available at <http://www.abanet.org/legaled/standards/2009-2010%20Standards.pdf> [hereinafter the *ABA Standards*].

46. See Joy, *supra* note 21 at 712-13.

47. See *MacCrate Report*, *supra* note 36, at 140-41, 235-36.

48. See *id.* at 235-36.



communicate concerns, suggestions, and ideas, and to engage in thoughtful dialogue in order to enhance clinic services to the public.<sup>49</sup> Together, these relationships strengthen ties between the law school and the local community, while creating opportunities for students to experience a broad selection of clinical education options. The practical skills gained by the students are transferable to any area of legal practice the student chooses as a career.

#### A. Program Overview

A clinic legal program should offer students the opportunity to collaborate with, and be mentored by, practicing attorneys, judges, and law school faculty in both in-house clinic and externship settings.<sup>50</sup> The primary goal of the in-house clinic is to provide free civil legal services of the highest quality to low-income residents and the underserved community in the most valuable, proficient, and professional manner possible.<sup>51</sup> Clinic supervisors screen prospective student-attorneys to ensure all prerequisites, such as prior coursework or admission to practice as a certified legal intern, are met.<sup>52</sup> Once accepted, student-attorneys work in the clinic's small law firm style environment.<sup>53</sup> Client intakes are conducted in the law school, at legal services agencies, or at not-for-profit organizations, while the legal work is conducted at the law school under faculty supervision.<sup>54</sup> During intake review, the supervisor discusses the case with the student and makes a determination of whether the clinic will accept the client and provide legal service and representation.<sup>55</sup> Students perform their work, track their time as they would in a law firm,<sup>56</sup> and prepare reflective journals<sup>57</sup> to capture

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49. Collaboration is one of the basic lawyering skills identified by the American Bar Association. *See id.* at 140-41, 235-36.

50. *See id.* at 268-72.

51. *See id.* at 235-36, 238-40; *see also* STUCKEY ET AL., *supra* note 11, at 190.

52. The State of Florida offers law students the ability to represent a client in court under the supervision of a license attorney. FLA. STAT. ANN. § 11-1.2, 11-1.3 (West 2009).

53. Tarr, *supra* note 7, at 971.

54. In-house intakes are supervised by the staff attorneys. *See* MINNA J. KOTKIN, *The Law School Clinic: A Training Ground for Public Interest Lawyers*, in EDUCATING FOR JUSTICE: SOCIAL VALUES AND LEGAL EDUCATION 136 (Jeremy Cooper & Louise G. Trubek eds., Ashgate Publ'g Ltd. 1997).

55. *See id.* (observing that law schools have used their clinics as a tool for influencing social change in the 1960s as a forum for developing students' practice skills in the 1980s, and as a method for educating students about social injustices in the 1990s).

56. Tarr, *supra* note 7, at 971.

57. *Id.* at 971-72 (addressing the importance of reflection).

their experience in written form. The faculty or staff attorney conducts case review, assists in the preparation of cases and transactional work, attends alternative dispute resolution (“ADR”) sessions, supervises students in court, and assists students in their reflection.<sup>58</sup> In addition, the faculty helps each student develop his or her personal learning goals and practical skill log.<sup>59</sup> This collaborative process enhances the learning experience of the students and, ultimately, the students’ ability to advocate for their client.<sup>60</sup>

In externships, the primary objective is to support the law school’s academic curriculum by providing opportunities for student-attorneys to learn by application.<sup>61</sup> Students work in a legal environment away from the law school.<sup>62</sup> A field supervisor, who may be an attorney or a judge, supervises the legal work.<sup>63</sup> The educational goals of the externships are designed to develop the extern’s lawyering skills, provide insight into various aspects of the legal system and the profession, develop a sense of professional responsibility, and allow the student to reflect on and learn from their experience.<sup>64</sup> Externship partners are the student, the field supervisor, and a faculty member—together they work to achieve these goals.<sup>65</sup>

### B. Clinic Design

The clinic is designed to promote and communicate its standards and expectations to students, clinic faculty, supervising staff attorneys, and field

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58. See J.P. Ogilvy, *Guidelines with Commentary for the Evaluation of Legal Externship Programs*, 38 GONZ. L. REV. 155, 175 (2003); see also discussion *infra* Part V.

59. See Ogilvy, *supra* note 58, at 171-72 (discussing the externship role and apprenticeship which can be applied to an overall clinic legal program); see also OGILVY ET AL., *supra* note 16, at 11-14; Tarr, *supra* note 7, at 985. The practice skill log is a form that helps the student keep track of the practical skill learned and the number of times the skill was applied. The learning goal is a separate form, detailing the knowledge that is needed to acquire the skill set, by what time the student will learn it, and how the learned skill will be demonstrated in order to achieve the desired learning outcome, e.g., through motion practice, arguments, suppressing hearings, and writing and research.

60. See Ogilvy, *supra* note 58.

61. See OGILVY ET AL., *supra* note 16, at 1.

62. Hans P. Sinha, *Prosecutorial Externships Programs: Past, Present and Future*, 74 MISS. L.J. 1297, 1298-99, 1304 n.30 (2005) (discussing structures of current clinics through various means to create new clinical programs).

63. James H. Backman, *Practical Examples for Establishing an Externship Program Available to Every Student*, 14 CLINICAL L. REV. 1, 1 (2007).

64. *Id.* at 17-18.

65. Ogilvy, *supra* note 58, at 171-72.

supervisors.<sup>66</sup> From the outset of the program, it is important to establish a policy that is appropriate for the clinic and is in compliance with the ABA standards.<sup>67</sup> Assessment is a continuous learning tool, not just a means of measuring learning after the fact.<sup>68</sup> The assessment program and its standards are verbally conveyed to the student at the initial meeting, as well as in writing in the clinical program literature.<sup>69</sup> The student-attorney is informed of the continuous communication required between the student and the assigned supervisor through critiques, reflection, and feedback.<sup>70</sup>

The Model Clinic program assessments are both formative and summative.<sup>71</sup> The assessments are formative in that the Clinic structure is set up to facilitate the student's learning, and at the same time, to provide extensive feedback to the clinic supervisors, staff attorney, extern supervisors, and the student-attorneys on a continuous basis.<sup>72</sup> They are summative in that the student-attorney receives mid-oral evaluation and assessment testing, which evaluates the student-attorney's knowledge and abilities.<sup>73</sup> It also provides the Model Clinic with valuable information on how well the student-attorney is developing, learning, and utilizing the training provided.<sup>74</sup>

Laying the groundwork for successful formative and summative assessments requires researching and producing written policy, drafting procedural materials, and compiling practice manuals.<sup>75</sup> The policies cover

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66. See Tarr, *supra* note 7, at 967.

67. See *supra* Part III.

68. MUNRO, *supra* note 9, at 72.

69. See *id.* at 102. There is continuous access to information regarding all clinical programs to students. In addition, during orientation for first year law students, the clinic director invites students to visit the clinic and talk to the department staff. See *id.*

70. See Ogilvy, *supra* note 58, at 171-72; see also Amy L. Ziegler, *Developing a System of Evaluation in Clinical Legal Teaching*, 42 J. LEGAL EDUC. 575, 588 (1992).

71. MUNRO, *supra* note 9, at 72.

72. *Id.*

73. *Id.*

74. *Id.*

75. See *id.* at 139-51; see also *How to Run a Transactional Clinic*, EWING MARION KAUFFMAN FOUNDATION (Nov. 11, 2009), available at <http://www.entrepreneurship.org/en/Entrepreneurship-Law/Topic-Overviews/Operating-Clinics-Overview.aspx>.

The three practice manuals are:

In-House Clinic Supervisor's Manual. Ann Marie Cavazos, *In-House Clinic Supervisor's Manual* (Spring 2006) (unpublished manual, on file with the Florida A&M University College of Law Legal Clinic);

Judicial Externship Supervisor's Manual. Ann Marie Cavazos, *Judicial Externship Supervisor's Manual* (Spring 2006) (unpublished manual, on file with the Florida A&M University College of Law Legal Clinic); and

Externships Supervisor's Manual. Ann Marie Cavazos, *Externships Supervisor's Manual* (Spring 2006) (unpublished manual, on file with the Florida A&M University College of

all procedural instructions to aid supervisors in applying the Clinic pedagogy.<sup>76</sup> Procedural materials lay out guidelines for supervisory conduct and mentoring role.<sup>77</sup> The practice manuals are directed to all supervisors to develop uniformity in understanding the educational objectives and goals of the program.<sup>78</sup> Manuals relate to the overall pedagogical theories and goals necessary to supervise law students and provide the evaluation tools for quantitative results to determine the students' progress and achievements.<sup>79</sup> The procedural and practice manuals combined with the evaluation tools advance the overall success of the program structure.<sup>80</sup>

In addition, threshold decisions concerning how to implement the policies and procedures must incorporate consideration of the following questions: (1) how much flexibility will be given to the supervisors?; (2) will supervisors have discretion to follow or disregard all or portions of the standards?; (3) how much of the student-attorney's final grade will result from assessment tools?<sup>81</sup> There must be continuity among the professors and supervisors, although it is expected that some clinical experiences will be more demanding than others.<sup>82</sup>

### C. Clinic Personnel

A clinical director administers the legal clinic program.<sup>83</sup> The director confers with the clinic faculty in assigning students to specific internships and externships based upon the needs of its partner placement agencies, where applicable, as well as students' abilities, interests, and qualifications, e.g., the certified licensed intern certification.<sup>84</sup> The director collaborates

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Law Legal Clinic).

Student Intern and Extern Course Rules are provided in a different format.

76. See Ogilvy, *supra* note 58, at 168.

77. *Id.*

78. *Id.*

79. STUCKEY ET AL., *supra* note 11, at 235.

80. See *infra* Part V.A.; see also *infra* Part VII.

81. See *How to Run a Transactional Clinic*, *supra* note 75.

82. See MUNRO, *supra* note 9, at 95.

83. See, e.g., Appendix C for Student's Evaluation of Site Placement; see also Appendix D for Student's Evaluation of Seminar.

84. Margaret Martin Barry et al., *Justice Education and the Evaluation Process: Crossing Borders*, 28 WASH. U. J.L. & POL'Y 195, 196 (2008) (discussing the evaluation process and the lack of training for teachers in assessment). A Model Clinic provides guidelines and a framework for clinicians and supervisors to understand the basis of the clinic assessment pedagogy. See STUCKEY ET AL., *supra* note 11, at 201, 203.

and develops partnerships with the bench, Bar, governmental and quasi-governmental agencies, legal services agencies, and local non-profit organizations to provide educational and practical opportunities for the student-attorneys.<sup>85</sup> In addition, the director acts as a liaison for placement agencies in case of emergency when the clinic professor cannot be reached or when a problem or issue arises that requires immediate resolution.<sup>86</sup>

The clinic administrator maintains and provides various standard program documents to the in-house clinic supervisors and field supervisors to aid in the instruction and supervision of the student-attorneys. Each supervisor receives a Memorandum of Understanding,<sup>87</sup> a Supervisor's Manual,<sup>88</sup> and an Evaluation Questionnaire.<sup>89</sup> These documents contain guidelines designed to promote uniformity as the clinic self-evaluates its effectiveness in meeting program objectives,<sup>90</sup> but more importantly, in training students to become effective attorneys.

Supervisors include in-house clinic attorneys and professors, field supervisors, and judges.<sup>91</sup> In-house clinic supervisors must be State Bar members in good standing and must have at least five years of experience in their respective field of law.<sup>92</sup> Supervisors assign, oversee, and guide the day-to-day work product of student-attorneys, with in-house clinic supervisors and professors also offering weekly seminars to enhance the learning experience.<sup>93</sup>

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85. See *Law and Entrepreneurship Transactional Skills Training: Creating Clinical Funding and Community Engagement Opportunities*, EWING MARION KAUFFMAN FOUNDATION (Apr. 20, 2010), available at [http://www.entrepreneurship.org/en/Entrepreneurship-Law/About-eLaw/-/media/Files/eLaw\\_Documents/EMKF%20eLaw%20April%202010.pdf](http://www.entrepreneurship.org/en/Entrepreneurship-Law/About-eLaw/-/media/Files/eLaw_Documents/EMKF%20eLaw%20April%202010.pdf).

86. *Id.*

87. The Memorandum of Understanding ("MOU") is an agreement between the field placement supervisor and the law school Legal Clinic Program that states what the supervisor is agreeing to do.

88. The Model Clinic provides guidelines and a framework for clinicians and supervisors to understand the basis of the clinic assessment pedagogy.

89. See *ABA Standards*, *supra* note 45, § 305, at 26-28. This externship evaluation is a method to aid in the evaluation for the student-attorney's academic and skill performance.

90. Steven J. Johansen, "What Were You Thinking?": *Using Annotated Portfolios To Improve Student Assessment*, 4 LEGAL WRITING: THE J. LEGAL WRITING INST. 123, 125 (1998) (discussing how to make an assessment of student work most effective).

91. See STUCKEY ET AL., *supra* note 11, at 188, 198.

92. Attorneys with five years of experience have proven to have acquired a variety of skills and knowledge in their field of practice. With these minimum years of experience, they are better able to mentor and impart their acquired legal knowledge and experience to the student-attorney.

93. Tarr, *supra* note 7, at 969. The seminar allows students to interact in a controlled environment with a supervising attorney to discuss and assess other students' experiences during their internships. *Id.*

## IV. PEDAGOGY AND ASSESSMENT METHODOLOGY

Most law schools today rely heavily on the case-dialogue method to teach students to “think like a lawyer.”<sup>94</sup> It has been asserted that this method places the law in a vacuum, which fails to teach students how to “use legal thinking in the complexity of actual practice” without sufficiently “developing ethical and social skills.”<sup>95</sup> Clinical education has attempted to bridge the gap by immersing the students in real world legal practice by allowing the student to actually help clients resolve their legal issues.<sup>96</sup> As a result, clinics must adopt a broader range of pedagogical strategies, such as demonstrating, intervening, prompting, supplementing, and using case studies to help students put their analytical thinking to practical use.<sup>97</sup> Assessment supervision and performance assessment are the underpinnings of the model legal clinic, which supports students in learning the skills that will ease their entry into the legal profession.<sup>98</sup>

A. *Assessment Cycle*

The assessment process is part of a cycle, illustrated below, that impacts the program and the learning environment.

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94. *Carnegie Report*, *supra* note 29, at 2-3, 187.

95. *Id.* at 188.

96. *Id.* at 88; *see also* STUCKEY ET AL., *supra* note 11, at 9 n.23.

97. STUCKEY ET AL., *supra* note 11, at 62.

98. Beazley, *supra* note 19, at 44-45 (discussing Cognitive Apprenticeship where a master of a skill teaches that skill to an apprentice).

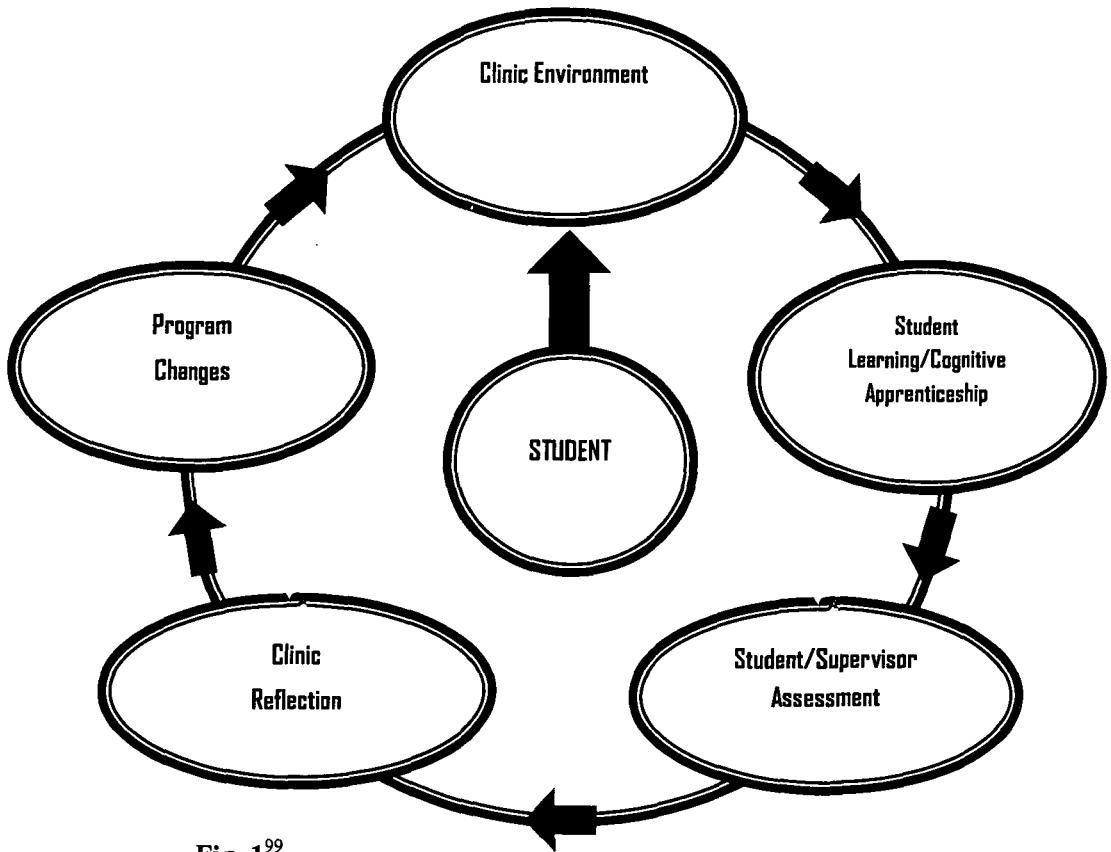


Fig. 1<sup>99</sup>

This process works as a double-edged sword. While the assessment process involves the collection and analysis of data relating to the educational experience and outcomes,<sup>100</sup> it would be an irrelevant exercise absent consideration of how the data will be used to positively impact the

99. In this diagram, the student represents the “nucleus” surrounded by “electrons.” The diagram provides a roadmap for the student and clinic program. Each electron makes up the various components of the clinical assessment cycle. Beginning with the clinic environment, which is likened to that of a law firm, the student progresses and gains first-hand insight into the practice of law, through each phase of the cycle. In addition, the student is evaluated to determine and assess his or her learning outcomes. The clinical program is also evaluated to assess whether there is a need for programmatic changes to further the goals and objective of the program and advance student’s education and professional growth. This process provides an opportunity for program intervention to change the course when assessment shows that a skill or strategy is not working for the student, or to offer new challenges for students who have mastered a concept or skill. See Ogilvy, *supra* note 58, at 171-73.

100. *Id.* at 164.

overall program. As clinic faculty and staff reflect upon the data, the clinic program can be adjusted to better serve the students and develop their legal skills.<sup>101</sup> If this process of data collection is not understood, it may well be considered “rubber stamping” by either supervisors or students.<sup>102</sup> For example, unless the student understands the purpose and value of the “Seminar Evaluation” or the “Placement Site Evaluation” form, the student might consider the evaluation simply “busy work,” thereby rendering the data meaningless.<sup>103</sup>

### *B. Assessment Supervision*

The pedagogical theory of the clinic is founded on the integration of assessment supervision in the program structure.<sup>104</sup>

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101. *See id.* at 175.

102. *See id.* at 169.

103. *See id.* at 177; *see also* Tarr, *supra* note 7, at 969-73.

104. Tarr, *supra* note 7, at 968-69; *see also* Ziegler, *supra* note 70, at 579-82.



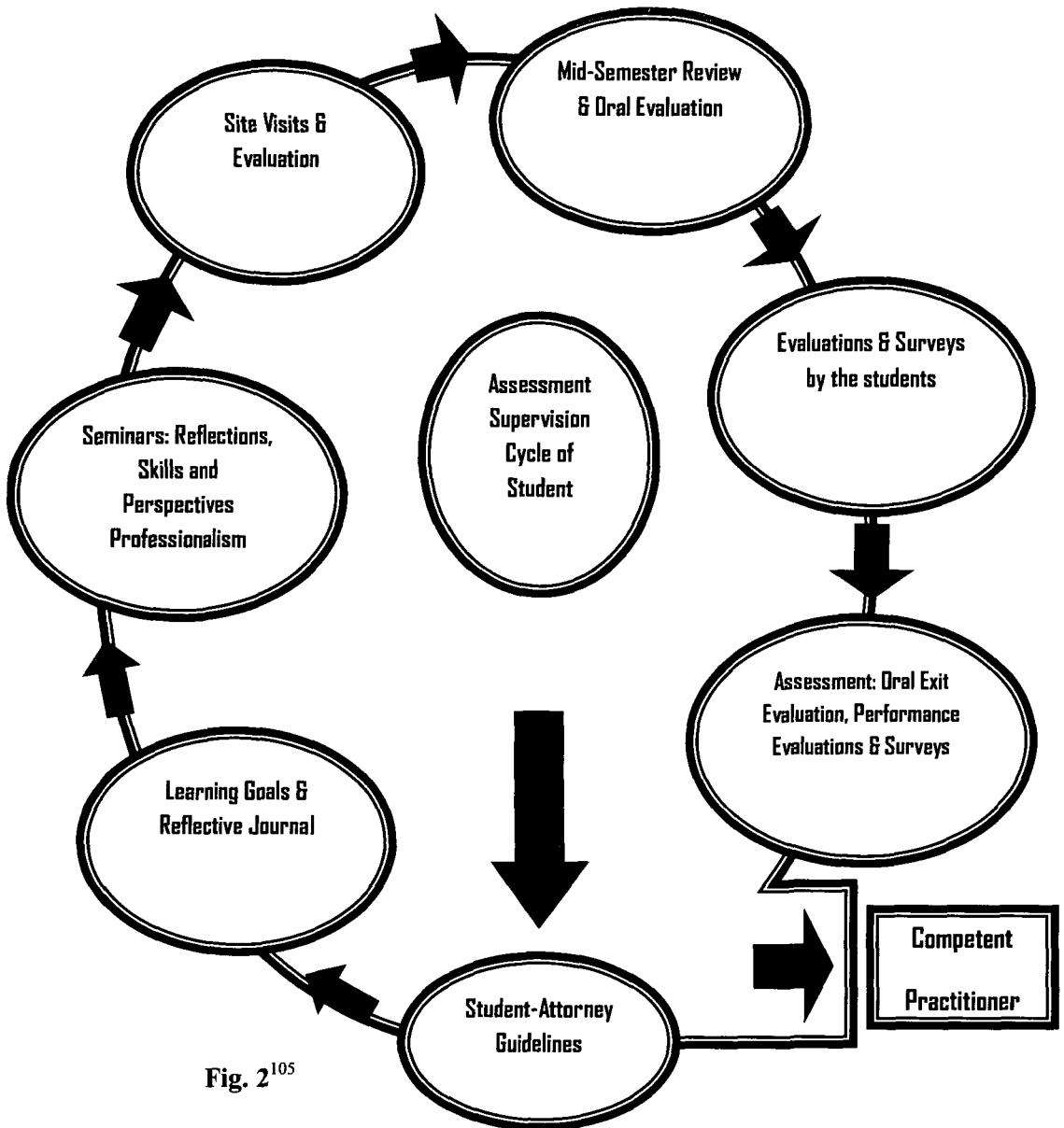


Fig. 2<sup>105</sup>

105. In this diagram, the Assessment Supervision Cycle is the “nucleus” and the “electrons” are a compass providing goals and objectives of the clinic program. The objective of the cycle is to assess the student learning outcomes as the student progresses in the clinical program and to gain first-hand insight into the strategic and ethical dimension of the profession while acquiring

The clinic experience is intended to impact both cognitive and effective outcomes, thereby providing students with substantive practical lawyering skills while simultaneously developing professional ethical values and behaviors.<sup>106</sup> The assessment methodology assures that these outcomes are actively facilitated and evaluated.<sup>107</sup> However, in order to establish an effective groundwork for the clinic, faculty and supervisors must understand the methodology.<sup>108</sup>

The methodology is initially conveyed and reviewed in a meeting with the prospective supervisors and the clinic director.<sup>109</sup> A set of comprehensive manuals is provided to all clinical faculty and supervisors as a follow-up and reinforcement of this review.<sup>110</sup> These manuals contain the guidance and framework necessary to streamline the assessment supervision relevant to each particular clinic.<sup>111</sup> Furthermore, these manuals contain the criteria to provide structure to the clinic by requiring quantitative or quantifiably measurable outcomes in order to determine the student-attorney's progress, as well as the overall success of the program structure.<sup>112</sup>

Systemic methodology proffered through the practice manuals establishes accountability through uniformity, while allowing supervisors the flexibility to meet and exceed clinic standards.<sup>113</sup> All in-house faculty and externship supervisors are responsible for knowing and following the supervisory guidelines, pedagogical theories, and goals that are espoused in the manuals as being necessary criteria to supervise student-attorneys.<sup>114</sup> Supervisors are expected to implement the methodology of frequent and meaningful communication, reflection, and evaluation, both written and oral, throughout the internship/externship.<sup>115</sup>

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valuable legal skills. See Ogilvy, *supra* note 58, at 155 (discussing the fact that the cycle's emphasis is to determine whether students have achieved their learning objectives in order to be a productive and competent practitioner upon graduation).

106. MUNRO, *supra* note 9, at 89-90.

107. See *supra* notes 99, 105 and accompanying text.

108. MUNRO, *supra* note 9, at 63-64.

109. See Ogilvy, *supra* note 58, at 171.

110. *Id.* at 167-68; see also *infra* Part V.A.

111. Tarr, *supra* note 7, at 968.

112. Ogilvy, *supra* note 58, at 170-73. But see Joy, *supra* note 43, at 966 ("Every faculty person teaching a clinical course has the duty to structure the course."). In the Model Clinic, the purpose of the set structure is to ensure that students receive the required foundation necessary to achieve the program's goals.

113. See *infra* Part V.A.

114. See Johansen, *supra* note 90, at 129.

115. See Ogilvy, *supra* note 58, at 161.

### C. *Performance Assessment*

In addition to assessment supervision, the Model Legal Clinic is built on the pedagogies of performance assessment with explicit criteria, feedback, self-assessment,<sup>116</sup> standardization, and most importantly, cognitive apprenticeship.<sup>117</sup> Cognitive apprenticeship in the modern legal realm means relatively the same as it did historically, i.e., an experienced practicing attorney instructs an apprentice with actual cases and clients.<sup>118</sup> The structure of the clinic facilitates hands-on practice by the student-attorney.<sup>119</sup> This is accomplished through pre-client interviews, subject matter evaluations to determine if there is a case and whether the client's request is within the scope of the clinic service, preparation of client documents, court proceedings, review of professional responsibility, including confidentiality obligations, and reflection.<sup>120</sup>

### D. *Evaluating the Effectiveness of Pedagogy Through Assessment Methodology*

The clinical pedagogy's purpose is to determine whether the student has achieved the learning outcomes based on the skill set taught for the particular clinic,<sup>121</sup> and whether there is a need to improve how students are taught the skills and the clinic methodology.<sup>122</sup> Assessment methodology<sup>123</sup> is the process of evaluating pedagogy outcomes for the purpose of assessing and evaluating students' learning achievements and program effectiveness.<sup>124</sup> In addition, this method is used to determine if the student mastered their subjective learning goals.<sup>125</sup>

While assessment tools such as pre-testing, post-testing, standardized testing, and surveys are accepted means of measuring the success of

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116. MUNRO, *supra* note 9, at 75-76.

117. Beazley, *supra* note 19, at 44-45 (discussing cognitive apprenticeship, where a master of a skill teaches that skill to an apprentice).

118. *Id.*

119. *Id.*

120. Reflection is a sign of a good attorney who reviews the work performed. *See supra* Part III.

121. Tarr, *supra* note 7, at 968-69.

122. *Id.* at 967-69.

123. STUCKEY ET AL., *supra* note 11, at 235 (stating that the purpose of assessment is to ensure that students are achieving the learning outcomes of the undertaken clinic program).

124. Tarr, *supra* note 7, at 967.

125. STUCKEY ET AL., *supra* note 11, at 235.

programs in which learning outcomes can be quantified, other tools, such as student evaluations and oral assessments, are also valuable teaching and learning instruments.<sup>126</sup> Implementation of a proper method of assessment is crucial to determine whether the clinic students are achieving the goals and objectives addressed in their academic clinic program.<sup>127</sup> By implementing this design, clinics can accomplish the objective of providing hands-on legal experience to better prepare student-attorneys for the practice of law.<sup>128</sup>

The Clinic's assessment model is based on four premises:<sup>129</sup>

1. Facilitation of the student's use of the legal foundation they acquired during the first two years of law school;
2. Communication with the students, both verbally and in writing, concerning the goals and objectives they must meet from the inception of the internship/externship;
3. Correlation between the student's foundational legal education, practical experience acquired in the clinic, the student's current service to the underrepresented community, and their future professional lives as practitioners; and
4. Assessment as the integral component of the legal clinic structure.

In a typical law school course, students are evaluated one time in a summative fashion at the end of the course.<sup>130</sup> In the legal clinic setting, the assessment program utilizes various methods such as: multiple evaluations of the students,<sup>131</sup> continuous feedback to the students, one-on-one counseling,<sup>132</sup> writing assessments,<sup>133</sup> and oral skill evaluation using lawyers and judges from the community.<sup>134</sup> Giving students multiple evaluations during the course of a semester allows them to adjust their

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126. Rowena Cantley-Smith, *Put Down Your Pen: The Role of Oral Assessment in Undergraduate Law Studies*, 13 JAMES COOK L. REV. 30, 37, 46 (2006).

127. STUCKEY ET AL., *supra* note 11, at 265.

128. *Id.* at 235.

129. MUNRO, *supra* note 9, at 12-13.

130. John M. Burman, *Oral Examinations as a Method of Evaluating Law Students*, 51 J. LEGAL EDUC. 130, 131 (2001).

131. *See* MUNRO, *supra* note 9. Evaluations occur at the beginning of the internship/externship (learning goals), throughout the semester (oral and written surveys), and at the completion (oral and written evaluations). *See id.*

132. This is crucial in mastering excellent communication skills between the supervising attorney and student-attorney. *See* Ziegler, *supra* note 70, at 581-82.

133. This is accomplished through case plans, pleadings, motions, memoranda, and other such written assignments. There are instances when students will be asked to draft legal work based on their particular needs to improve. *See* MUNRO, *supra* note 9, at 122.

134. *See id.* at 12-13.

performance to meet or exceed expectations; otherwise, students may perform poorly on one test without being given an opportunity to improve.<sup>135</sup> The supervising faculty meets on a weekly basis with each student.<sup>136</sup> Then, mid-way through the semester, the faculty conducts a review of the student's overall clinic performance by contacting the on-site supervisor.<sup>137</sup> This evaluation consists of a review of the student's client files, trial notebook, journals, and an assessment of their ability to apply the substantive area of law in their assigned cases.<sup>138</sup>

Similarly, continuous feedback benefits the student by enabling incremental development and improvement of skills as students progress through the process of creating, refining, and completing assignments.<sup>139</sup> One-on-one counseling encourages a mentoring relationship between student and supervisor, enabling the student to gain confidence and learn on an individualized basis.<sup>140</sup> Writing assessments and oral skills evaluations ensure that the student has adequate attorney-client communication skills in addition to practical skills, e.g., the ability to interview a client, assess a case, and write effective coherent letters and legal documents that achieve client objectives.<sup>141</sup>

Likewise, community cooperation is also crucial to the program's success.<sup>142</sup> As a bridge between the law school and the local legal community, the Clinic program has to develop and maintain a positive rapport with the judiciary, state attorney office, public defender office, attorney general office, legal aid agencies, non-profit agencies, and the local Bar, whose members make themselves available to the clinical students by allowing them to extern at their organizations.<sup>143</sup> These professionals are guides, mentors, constructive critics, and role models in the education of the students.<sup>144</sup>

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135. *See id.* at 57-58; *see also* STUCKEY ET AL., *supra* note 11, at 236-39.

136. *See* Ogilvy, *supra* note 58, at 172.

137. *See id.*

138. *See id.* at 171.

139. *See* Ziegler, *supra* note 70.

140. *See* Beazley, *supra* note 19, at 44-45.

141. *See* Burman, *supra* note 130, at 131-32.

142. *See supra* note 49 and accompanying text.

143. *ABA Standards, supra* note 45, § 302(a)(5), at 21; *see also id. Interpretation* 302-6, at 22 ("A law school should involve members of the bench and bar in the instruction required by Standard 302(a)(5).").

144. *Id. Interpretation* 302-6, at 22.

### E. Outcomes-Focused Assessment

In addition to the four premises stated above, the implemented assessment model is founded on “the identif[ied] goals and objectives [that are] stated in terms of student outcomes and institutional outcomes for assessment purposes.”<sup>145</sup> Student outcomes are the abilities, knowledge acquired, skills, perspective, and professional responsibility that the Clinic desires the student-attorneys to acquire upon completion of the internship or externship.<sup>146</sup> Institutional outcomes are those goals and objectives that the Clinic has set in serving its target client base.<sup>147</sup> In addition, standardization<sup>148</sup> in the assessment allows all in-house and externship supervisors to have a better understanding of what is expected of themselves and their fellow supervisors.<sup>149</sup>

Focusing on student and institutional outcomes in a clinic assessment serves several important purposes.<sup>150</sup> First, it encourages program improvement by enhancing learning objectives.<sup>151</sup> Second, it furthers the evaluation of the student’s knowledge, skills, attitudes, and feedback regarding his or her progress.<sup>152</sup> Third, it supports self-awareness and understanding that result from the continuous communication,<sup>153</sup> critiquing, and feedback regarding the student and institutional goals.<sup>154</sup> Finally, the focus on outcomes promotes accountability between the students, the program, the legal community, and the clients.<sup>155</sup>

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145. MUNRO, *supra* note 9, at 17.

146. *Id.*

147. *Id.* at 18.

148. *See id.* at 63 (stating that “standardization” means that the structure of the clinic program has placed explicit criteria which must be met at a minimum. By doing this, a foundation has been created that allows for all clinic participants to understand the program’s objectives and goals through implementation of the criteria).

149. *See id.* at 64.

150. *See id.* at 63; *see also* STUCKEY ET AL., *supra* note 11, at 8.

151. MUNRO, *supra* note 9, at 63; *see also* STUCKEY ET AL., *supra* note 11, at 8.

152. MUNRO, *supra* note 9, at 18.

153. *See id.* at 18-19; *see also* STUCKEY ET AL., *supra* note 11, at 8.

154. *See* Ogilvy, *supra* note 58, at 161-62. *But see* Charles A. Res, *The “Non-Assessment” Assessment Project*, 57 J. LEGAL EDUC. 521, 523-25 (2007) (illustrating the different effects of minimal assessment and extensive assessment of students’ performance and satisfaction).

155. *See* MUNRO, *supra* note 9, at 18-19.

## V. TOOLS OF THE TRADE: A MODEL FOR CLINICAL SUPERVISORY METHODOLOGY

### A. *Manuals*<sup>156</sup>

All supervising attorneys, judges, and in-house supervisors receive a Supervisor's Manual.<sup>157</sup> This manual sets forth the supervisor's role<sup>158</sup> and provides guidance to the supervisor by outlining the program's educational goals, teaching objectives, student evaluations, clinic policies and procedures.<sup>159</sup> Accordingly, the manual instructs the supervisors how to teach, train, and mentor students on the basic skills of lawyering in the context of each specific clinic.<sup>160</sup>

All incoming students receive the Intern and Extern Course Rules Manual that contains the rules, professional expectations, goals, clinic requirements, credit, grading system, communication network, and assessment methodology<sup>161</sup> of the clinic.<sup>162</sup> Students are provided this information from the onset of undertaking the clinic program.<sup>163</sup> Interested students may even review this manual prior to committing to enrollment in the clinic.<sup>164</sup>

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156. Gharakhanian, *supra* note 30, at 93-94 (discussing the success of the GLACE Field Placement Supervision Manual as a cornerstone of its externship program being disseminated to supervising attorneys in government agencies, public interest law firms, and judge's chambers). The Manual informs the legal community of the law schools' standards for student externs and the externship programs. *Id.*

157. *See id.* at 93; *see also* Alexis Anderson et al., *Ethics in Externships: Confidentiality, Conflicts, and Competence Issues in the Field and in the Classroom*, 10 CLINICAL L. REV. 473, 562 (2004).

158. *See* Gharakhanian, *supra* note 30, at 93; *see also* Anderson et al., *supra* note 157.

159. *See* Gharakhanian, *supra* note 30, at 93-94; *see also* Anderson et al., *supra* note 157, at 562-63.

160. *See* Anderson et al., *supra* note 157, at 503, 562-63; *see also* Bernadette T. Feeley, *Training Field Supervisors to Be Efficient and Effective Critics of Student Writing*, 15 CLINICAL L. REV. 211, 211 (2008-2009) ("Most externship clinicians agree that the benchmark of a good field placement for law students is the quality of supervision provided by the field supervisor.").

161. *See* Philip G. Schrag, *Constructing A Clinic*, 3 CLINICAL L. REV. 175, 220-22 (1996).

162. This information is available to all students who are interested in pursuing a clinical program. The clinic has an "open door" policy. *Id.*

163. *See* Anderson et al., *supra* note 157, at 503, 562; *see also* STUCKEY ET AL., *supra* note 11, at 168.

164. *See* Ogilvy, *supra* note 58, at 161.

### B. Site Visits

Site visits include observation of the student in court and meetings scheduled with the supervising attorneys.<sup>165</sup> According to the ABA standards, the minimum number of site visit(s) is one visit per term.<sup>166</sup> In the Model Clinic, however, the faculty supervisor generally conducts two to three site visits per semester, or as needed at the field placement.<sup>167</sup> Generally, for out-of-area placements, site visits with the student and the supervising attorney should be conducted once or twice per semester.

### C. Communication with Students

All communications with the students must comport with professional responsibility rules regarding agency work product and client confidentiality.<sup>168</sup> In externships, a student is generally placed with one field supervisor, but if the student rotates among several supervisors, then one supervisor becomes the point of contact and coordinates the externship program for that agency.<sup>169</sup> Depending on the policies of the host agency, a field supervisor working directly with a student may have some or all of the following responsibilities:

The supervisor should familiarize students with the procedures, standards, available resources, and the personnel with whom he or she will be working;

The supervisor should make certain that students understand how to receive assignments, feedback, and information regarding court schedules, dockets, dispositions and case outcomes, as applicable.<sup>170</sup>

In the in-house clinics, students are assigned a staff attorney to supervise their work.<sup>171</sup> The supervising faculty or staff attorney works with

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165. *See id.* at 177, 180; *see also* Gharakhanian, *supra* note 30, at 93-94 & n.121; *see also* STUCKEY ET AL., *supra* note 11, at 201.

166. ABA requires site visits in externships that exceed six credits but recommends site visits for courses of six credits. *ABA Standards*, *supra* note 45, § 305(e)(5), at 27 (“Periodic on-site visits or their equivalent by a faculty member is required if the field placement program awards four or more academic credits (or equivalent) for field work in any academic term or if on-site visits or their equivalent are otherwise necessary and appropriate.”).

167. This ensures the site is complying with clinic policies as set forth in the agreements and memorandum of understanding. *See* Gharakhanian, *supra* note 30, at 93-94 & n.121.

168. *See* Anderson et al., *supra* note 157, at 475, 478-79, 488 (discussing clinical opportunities producing distinctive ethical dilemmas).

169. *See* Ogilvy, *supra* note 58, at 179.

170. *See* Anderson et al., *supra* note 157, at 540-41; *see also* Feeley, *supra* note 160, at 216-24, 229; *see also* STUCKEY ET AL., *supra* note 11, at 201-02.



the students to develop a plan for gaining experience, observations, and activities to meet the students' individual goals, the law school's clinic program goals, and the partner agency's needs, if applicable.<sup>172</sup>

Students benefit from and appreciate frank critical discussions with their supervising attorney.<sup>173</sup> The supervisor needs to be open to and initiate dialogue and discussion.<sup>174</sup> Any topic concerning the law, whether or not it directly relates to current assignments, can be a topic for discussion.<sup>175</sup> For example, the supervisor may have insights about the complex skills exercised in the practice of law regarding decision-making strategies, case theories, statutory interpretation, case development, and the effects the law may have on the lives of the clients, witnesses, and others.<sup>176</sup> Guidance on students' career development is also extremely beneficial and appreciated.<sup>177</sup>

#### D. Seminars

In the Model Clinic program, the clinic faculty organizes and teaches the companion seminars<sup>178</sup> that the student-attorneys are required to attend.<sup>179</sup> Meetings with the seminar group and seminar professor foster a supportive learning atmosphere where internship/externship experiences can be analytically examined and scrutinized to maximize didactic effect.<sup>180</sup>

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171. The staff attorney in the Model Clinic does not have instructional responsibilities. The focus strictly is a supervisory role and the staff attorney works closely with the faculty. See STUCKEY ET AL., *supra* note 11, at 166.

172. See Anderson et al., *supra* note 157, at 478-79, 562-63; see also STUCKEY ET AL., *supra* note 11, at 200-02.

173. See Feeley, *supra* note 160, at 220-23, 228-29; see also STUCKEY ET AL., *supra* note 11, at 175-76.

174. See Feeley, *supra* note 160, at 220-21; see also STUCKEY ET AL., *supra* note 11, at 176, 202.

175. See Feeley, *supra* note 160, at 220-23; see also STUCKEY ET AL., *supra* note 11, at 176, 202.

176. See Feeley, *supra* note 160, at 220-23.

177. Many students are unsure about what area of law to practice. Members of the legal community are mentors to these students.

178. ABA Standards, *supra* note 45, Interpretation 304-3(e), at 25 ("A law school should involve members of the bench and bar in the instruction required by Standard 302(a)(5)."); see also STUCKEY ET AL., *supra* note 11, at 196.

179. Tarr, *supra* note 7, at 980-81; see also STUCKEY ET AL., *supra* note 11, at 196-97.

180. See Tarr, *supra* note 7, at 980, 992-93; see also STUCKEY ET AL., *supra* note 11, at 196-97; see also Ogilvy, *supra* note 58, at 165.

The clinic faculty fosters the seminar as a learning community.<sup>181</sup> In this learning community, everyone, including the Clinic faculty, is an apprentice—learning from conversations and partnerships.<sup>182</sup> Although students face challenges in their internships and externships, they receive support and feedback throughout the semester and during the seminars.<sup>183</sup> Companion seminars require the students to discuss and analyze clinic-related topics, such as specific statutes, case law interpretations, and ethical dilemmas, including possible resolutions and various approaches of practical application.<sup>184</sup> This learning community provides a safe environment for students to practice, discuss, and hone their craft without feeling intimidated.<sup>185</sup>

Seminars cover a diverse number of topics, including the student's role as a student-attorney and relevant state rules and regulations governing professional responsibility.<sup>186</sup> There may be guest speakers who lecture on their area of expertise.<sup>187</sup> Some seminar sessions include students' presentations to the class regarding the cases or issues they are working on.<sup>188</sup> The in-class presentations have several benefits for the students, such as providing an opportunity to practice public speaking before a group of fellow attorneys, allowing the presenter and the class to benefit from the combined expertise of the group through the related feedback and discussions, and encouraging collaborative development of case strategies and plans with clinic colleagues.<sup>189</sup>

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181. See Tarr, *supra* note 7, at 968, 980-81, 992-93; see also *Carnegie Report*, *supra* note 29, at 40-41.

182. See Tarr, *supra* note 7, at 968-69, 979, 992-93; see also *Carnegie Report*, *supra* note 29, at 28.

183. See Tarr, *supra* note 7, at 982; see also STUCKEY ET AL., *supra* note 11, at 175-76.

184. See Tarr, *supra* note 7, at 967-68, 980-81, 992-93; see also STUCKEY ET AL., *supra* note 11, at 196-97; Ogilvy, *supra* note 58, at 165.

185. All communications in writing, seminars, and/or presentations should adhere to professional responsibility rules and policies regarding agency work-product and client confidentiality. See Ogilvy, *supra* note 58, at 165.

186. See Tarr, *supra* note 7, at 967-68, 980-81, 992-93; see also STUCKEY ET AL., *supra* note 11, at 196-97.

187. See STUCKEY ET AL., *supra* note 11, at 197.

188. A Model Clinic establishes seminars as part of the externship to enhance the experience of the students; the seminars are also valuable in students' performance at the outside agencies. See STUCKEY ET AL., *supra* note 11, at 197, 205; see also Ogilvy, *supra* note 58, at 165. *But see* Erica M. Eisinger, *The Externship Class Requirement: An Idea Whose Time Has Passed*, 10 CLINICAL L. REV. 659, 659, 676 (2004) (illustrating that a classroom component to an externship should not be mandatory).

189. See *Carnegie Report*, *supra* note 29, at 41-42; see also Ogilvy, *supra* note 58, at 165.

*E. Learning Goals*<sup>190</sup>

In addition to the mandatory companion seminars, the student-attorney must develop his or her own learning goals during the first two weeks of the program.<sup>191</sup> The supervisor works with the student to develop a plan<sup>192</sup> for gaining experience, making observations, and performing activities that will meet each student-attorney's individual goals, the law school's clinic program goals, and, if applicable, the partner agency's needs.<sup>193</sup> The clinic professor monitors the progress of the identified goals and objectives related to the placement agency, the student, and the program.<sup>194</sup> In addition, "students learn best when they are able to integrate new learning with what they already understand."<sup>195</sup> Students then implement this new information into the development of their learning goals.<sup>196</sup>

The Clinic faculty uses the seminar to advance learning goals, building on what the students have experienced and already know to develop an advanced understanding of substantive areas of law or the legal practice.<sup>197</sup> Professors maximize the use of learning time by anticipating students' learning needs and avoiding unnecessary repetition.<sup>198</sup> Once students have drafted their learning goals, they submit those goals to their supervisors for review.<sup>199</sup> A jointly refined plan is then provided to the clinic professor,

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190. Student-attorneys use the Learning Goal forms to outline their strategies to accomplish learning objectives. See STUCKEY ET AL., *supra* note 11, at 177; see also Gharakhanian, *supra* note 30, at 94.

191. See Ogilvy, *supra* note 58, at 164; see also Gharakhanian, *supra* note 30, at 94-95, 94 n.124; Backman, *supra* note 63, at 2 (discussing that the Model Clinic offers a hybrid that incorporates the students to actively participate in their training by setting goals through a plan called "Learning Goals").

192. See Gharakhanian, *supra* note 30, at 92, 94; see also STUCKEY ET AL., *supra* note 11, at 202; Ogilvy, *supra* note 58, at 171-72.

193. See Gharakhanian, *supra* note 30, at 92, 94; see also STUCKEY ET AL., *supra* note 11, at 202; Ogilvy, *supra* note 58, at 171-72.

194. See Gharakhanian, *supra* note 30, at 95; see also STUCKEY ET AL., *supra* note 11, at 200-01.

195. *Effective Pedagogy*, NEW ZEALAND MINISTRY OF EDUCATION, <http://assessment.tki.org.nz/Assessment-in-the-classroom/Effective-pedagogy> (last visited Sept. 3, 2010).

196. See *Assessment for Learning: "Principles of Assessment"*, NEW ZEALAND MINISTRY OF EDUCATION, <http://assessment.tki.org.nz/Assessment-in-the-classroom/Assessment-for-learning> (last visited Sept. 3, 2010).

197. See, e.g., Johansen, *supra* note 90, at 128-29 (discussing how to make assessment of student work most effective).

198. See *Assessment for Learning: "Principles of Assessment"*, *supra* note 196.

199. This evaluation may result in approval or revision of the student-attorney's learning goals. See, e.g., Gharakhanian, *supra* note 30, at 87-89 (explaining that the student's first assignment topic in the Southwestern Law School externship program is identification of specific

who monitors the progress of the identified goals.<sup>200</sup> During the semester, this plan acts as a road map of goals and objectives to ensure that the identified goals are achieved.<sup>201</sup>

The supervisor assists each student in reaching the listed goals and objectives.<sup>202</sup> The supervisor must also inform the student if goals or objectives identified are not being met or satisfied.<sup>203</sup> This procedure ensures that the student is provided a variety of meaningful assignments.<sup>204</sup> Observation and critique of the student's performance of lawyering skills, as well as being available for consultation on a regular basis, are crucial components of the supervisor's responsibilities.<sup>205</sup>

#### F. Meetings

Clinic faculty members meet individually to mentor student-attorneys through discussion and reflection, and to review and assess time reports and journal entries.<sup>206</sup> In externships, the clinic professors act as the primary contact for the field supervisor in charge of the student.<sup>207</sup> The professors initiate contact with the externship supervisor at the beginning of each term and foster continuous communication throughout the semester.<sup>208</sup> Clinic professors authenticate time reports signed by field supervisors either by telephone, in person, or by some other method agreed upon by both the professor and supervisor.<sup>209</sup> In addition, they make themselves available to

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goals which are to be confirmed by a faculty advisor); *see also* Harriet N. Katz, *Counseling Externship Students*, 15 CLINICAL L. REV. 239, 245 (2009). It also provides the framework to develop reflective skills through assessment of progress towards those goals. *See Assessment for Learning: "Principles of Assessment"*, *supra* note 196.

200. *See Assessment for Learning: "Principles of Assessment"*, *supra* note 196.

201. *See id.*

202. *See id.*

203. *See id.*

204. *See id.*

205. Some method of regular supervision is important enough to be required under ABA standards for a field placement program. *See ABA Standards*, *supra* note 45, § 305(e)(2)-(3), at 27.

206. The ABA's student reflection requirement may be satisfied through a classroom component or other, more flexible, supervised or "guided reflection" in field placement programs. *See id.* § 305(e)(7).

207. *See id.* § 305(e)(4) (requiring a method for communication between faculty and field placement supervisors); *see also* STUCKEY ET AL., *supra* note 11, at 202.

208. *See ABA Standards*, *supra* note 45, § 305(e), at 27; *see also* STUCKEY ET AL., *supra* note 11, at 202.

209. *See Gharakhanian*, *supra* note 30, at 96.

the field placement supervisors to discuss any questions, comments, suggestions, or concerns.<sup>210</sup>

### G. Work Experience

Students in trial clinics are fully exposed to the anatomy of law, lawsuits, and the internal operations of legal agencies beginning with interviewing clients, witnesses, victims and performing duties all the way through trial.<sup>211</sup> Students in transactional clinics learn how to empathize and work with their clients as strategic partners from the identification of the clients' needs through the completion of transactional documents.<sup>212</sup> Opportunities exist for exposure to law office management, as well as the methods and specialized techniques required when teaching law, regardless of whether the area of law is criminal or civil.<sup>213</sup>

### H. Reflection<sup>214</sup>

Reflection is a skill<sup>215</sup> that applies to professional responsibility, advocacy, and educational growth.<sup>216</sup> Students write about and discuss their experiences with the clinic professor and other students during the seminars and in-person meetings.<sup>217</sup> Reflection is a critical feature of clinical learning.<sup>218</sup> The student should be reflecting during each task and after

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210. *ABA Standards*, *supra* note 45, § 305(e)(3)-(4), at 27.

211. See Deborah Maranville, *Passion, Context, and Lawyering Skills: Choosing Among Simulated and Real Clinical Experiences*, 7 *CLINICAL L. REV.* 123, 129-30 (2000). But see Eisinger, *supra* note 188, at 663-67 (arguing that externship programs do not need a classroom component, in part, because of the exposure to realistic work experience and also because such classes fail to fit the "clinical methodology of active learning"). In contrast, the Model Clinic has established the seminars as part of the externships in order to enhance the experience of the students that has proven valuable in their performance at the outside agencies. See *supra* Part V.D.

212. See *How to Run a Transactional Clinic*, *supra* note 75.

213. See Tarr, *supra* note 7, at 972 (stating that excellent lawyers ask themselves what they can learn from their experience in a case).

214. *Id.* at 970 ("[After graduation,] new lawyers will neither be trained in the skill of evaluation nor even necessarily be critiqued in an effective manner.").

215. *Id.* at 971 (stating that the emphasis of the Model Clinic program should be on the undertaking of self-evaluation and reflection).

216. *Id.* at 971-73.

217. OGILVY ET AL., *supra* note 16, at 106-07.

218. *Id.* at 81.

every task is completed.<sup>219</sup> Reflection is not simply reviewing what happened; instead, it consists of the student engaging in a critical analysis of his or her own work.<sup>220</sup>

Journaling is an opportunity for the student to take a step away from the cases, clients, and legal issues with which they have been engaged and to think about them objectively.<sup>221</sup> This process can be equated to viewing an object through a magnifying lens. The object appears bigger than life, but when the magnifying lens is inverted, the object appears smaller and manageable. It is, therefore, effective for clinicians to stimulate the inquisitiveness of their students, requiring them to search for relevant issues, and challenging them to apply what they have realized in new contexts.<sup>222</sup>

For example, a student placed in a criminal practice externship should ask him/herself questions such as: what motions are appropriate to file?; do I have the grounds to challenge the confession, stop or arrest?; which defense witness did I disclose to the state? Why?; how did I develop my theory of defense?; what were the consequences of the choices made?; how will the answers to these questions affect the way I approach your work in the future? This list of questions is not exhaustive. The objective drawn from this reflective exercise helps prepare the student to discuss his or her responses with the supervisor.<sup>223</sup>

Then, the student utilizes what he or she learned through reflection to decide how to proceed in their assigned cases.<sup>224</sup> Reflection permits the assimilation of new learning by taking what is already known, adapting it to an individualized purpose, and transforming the reflective thought into action.<sup>225</sup> In addition, reflective journal writing supports the externship or internship learning experience by putting an experience into perspective.<sup>226</sup> Reflective thinking and journaling increase the students' confidence through self-affirmation of what went well and addressing any missteps that

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219. Gharakhanian, *supra* note 30, at 87-89; *see also* Tarr, *supra* note 7, at 971-72.

220. *See Effective Pedagogy, supra* note 195; *see also* Tarr, *supra* note 7, at 972.

221. *See Effective Pedagogy, supra* note 195; *see also* OGILVY ET AL., *supra* note 16, at 100-02.

222. *See Effective Pedagogy, supra* note 195; *see also Carnegie Report, supra* note 29, at 59, 61-62 (placing an emphasis on direct training and practical application in the practice of law).

223. *Carnegie Report, supra* note 29, at 121, 172-73.

224. *See Assessment for Learning: "Principles of Assessment", supra* note 196. Self-reflection encourages the student to take responsibility for their role in past experience in order to learn to control their future progress. *See* Tarr, *supra* note 7, at 981.

225. *See Effective Pedagogy, supra* note 195.

226. JOHN C. MAXWELL, THINKING FOR A CHANGE: 11 WAYS HIGHLY SUCCESSFUL PEOPLE APPROACH LIFE AND WORK 177 (2003).

might have occurred. It also aids in the development of the students' decision-making ability and in meeting challenges competently.<sup>227</sup> Over time, "reflective thinking turns experience into insight."<sup>228</sup> Hence, the students "develop their creativity, their ability to think critically . . . and their metacognitive ability."<sup>229</sup> Further, reflective journal writing bolsters the student's understanding of his or her personal development as a lawyer.<sup>230</sup> Combining discussions between the clinic supervisor and the student with the reflective writing enhances the student's assimilation and understanding of skills and values related to lawyering through processing and insight.<sup>231</sup>

## VI. THOUGHTFUL INTERACTION: A MODEL FOR CLINICAL ASSESSMENT

### A. *Interaction Between Supervisor and Student-Attorney*

Continuous communication and assessment are necessary to create effective supervision of students.<sup>232</sup> As early as possible, the supervisor should establish a method of communicating with the student about various matters.<sup>233</sup> This includes matters such as: what assignments are available and when they are due; where and when supervisors can be reached; what opportunities for new experiences are pending or scheduled; and the method of communication used so that student can be included in the agency's meetings, events, and related activities.<sup>234</sup> The supervisor meets regularly with each student at scheduled meeting times, e.g., meeting once a week.<sup>235</sup> The purpose of these meetings is to review and critique the student's work, discuss assignments, and provide feedback.<sup>236</sup> Additionally, the supervisor

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227. *Id.* at 178.

228. *Id.* at 180-81.

229. *See Effective Pedagogy, supra* note 195.

230. OGILVY ET AL., *supra* note 16, at 97, 99-100.

231. *See* Tarr, *supra* note 7, at 972; *see also See Effective Pedagogy, supra* note 195.

232. *See* Tarr, *supra* note 7, at 982-84; *see also* Ziegler, *supra* note 70.

233. *See, e.g.,* Katz, *supra* note 199, at 243-46.

234. This also pertains to professional responsibility, such as meeting deadlines, reliability and good work ethics. *See, e.g., id.* at 173.

235. *See, e.g.,* Gharakhanian, *supra* note 30, at 87-88 (describing a system where students are given bi-weekly feedback to reflections and the opportunity for individual meetings with the faculty advisor).

236. *See id.*; *see also* Maranville, *supra* note 211, at 135-36, 143-44.

should look for opportunities to involve the student directly in the decision-making process related to the student's own learning.<sup>237</sup>

It is beneficial for the supervising attorney to coordinate any assignments provided to the student by other attorneys, regardless of whether the student will continue to work directly with the attorneys.<sup>238</sup> This measure prevents confusion and the development of conflicts of interests in the student's schedule and caseload.<sup>239</sup> Further, it reduces the risk of overwhelming the student, and thereby negatively affecting the student's overall experience.<sup>240</sup> This measure reinforces the mentoring relationship between the supervisor and the student.<sup>241</sup>

### *B. Providing Guidance on Assignments*

The supervisor also needs to be cognizant of the individual student's needs for supervision.<sup>242</sup> The following represents some general guidelines for successful supervision:

- (1) Be sure that the student understands what is expected;
- (2) Take the time to explain the context of an issue and the nature of the task being assigned;
- (3) Discuss the student's initial response to the problem and help the student form a problem-solving strategy;
- (4) Inform the student of resources which may be unfamiliar to the student;
- (5) Be sure the student understands the end result expected or the outcome desired;

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237. See *Effective Pedagogy*, *supra* note 195.

238. See Gharakhanian, *supra* note 30, at 92. *But see* Tarr, *supra* note 7, at 973-75 (warning that supervisors must also guard against sending mixed signals and allowing students to become dependent on them).

239. Reducing or removing these kinds of administrative problems allows the student to further focus on their personal responsibility for the success or failure of their work, a crucial goal in the clinic's use of self-reflection to facilitate meaningful learning. See Johansen, *supra* note 90, at 128.

240. See Maranville, *supra* note 211, at 135-36 (noting that although students often enjoy even poorly-supervised externships, their overall experience is benefitted by having the guidance, motivation, and improved context that comes from effective supervisor involvement).

241. See *id.* at 136 (identifying the mentor-mentee relationship as useful to the ability of clinical experiences to motivate students and inspire passion for the law).

242. *Id.*; see also Katz, *supra* note 199, at 240-41.



(6) In choosing a work assignment, select assignments that challenge student's existing skills, and yet also provide new challenges to develop the student's knowledge base; and

(7) To the extent possible, expect the student-attorneys to take independent responsibility for a matter, helping the student experience an authentic role as a lawyer.<sup>243</sup>

Internship/externship placement is meant to be an educational experience.<sup>244</sup> The students should be allowed to draft final documents and prepare presentations.<sup>245</sup> Quality of the student work, student conduct, and demand for high quality work product from the student are all important factors in evaluating student assignments.<sup>246</sup> This is consistent with establishing standards for professional behavior that reinforce program objectives.<sup>247</sup> For example, requiring the students to redraft writings or rehearse presentations as many times as necessary to meet clinic standards teaches the importance of presenting a polished product to the client.<sup>248</sup> Likewise, when students are assigned research, they should be required to formalize their work in a legal memorandum.<sup>249</sup> "Students learn most effectively when they understand what they are learning, why they are learning it, and how they will be able to use their new learning" in later practice.<sup>250</sup> "This encourages [students] to see what they are doing as relevant and to take greater ownership of their own learning."<sup>251</sup>

Within reasonable limits, students should be expected to keep the schedule they have set and conduct themselves as responsible attorneys.<sup>252</sup> Even if the semester is ending or a deadline has passed, any reviewed work product with editing and any assignments with comments or feedback should still be returned to the student for correction.<sup>253</sup>

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243. See Feeley, *supra* note 160, at 218-23; see also Tarr, *supra* note 7, at 972-74.

244. One of the problems of externships is the temptation to assign student-attorneys to perform repetitive work instead of assigning new challenging assignments requiring further supervision. Gharakhanian, *supra* note 30, at 66; see also James Backman, *Externships and New Lawyer Mentoring: The Practicing Lawyer's Role in Educating New Lawyers*, 24 *BYU J. PUB. L.* 65, 85-86 (2009).

245. See Ziegler, *supra* note 70, at 588-89.

246. See Tarr, *supra* note 7, at 983.

247. See *id.* at 982-83.

248. Feeley, *supra* note 160, at 223.

249. Beazley, *supra* note 19, at 55-56.

250. *Effective Pedagogy*, *supra* note 195.

251. *Id.*

252. See Backman, *supra* note 244, at 85-86.

253. See *id.*

### C. Giving Critical Feedback

Feedback is crucial in any type of externship or internship.<sup>254</sup> Although it is not expected that students should be evaluated in detail each time a task is performed, each student should be thoroughly evaluated periodically for each type of task assigned.<sup>255</sup> Feedback consists of specific information regarding the student's work product, its effectiveness, and suggestions of alternatives not covered.<sup>256</sup> In addition, feedback includes guidance on interpersonal skills and communication abilities, as well as other related intangible attributes.<sup>257</sup>

Feedback is particularly helpful regarding implementation of practical skills other than written work.<sup>258</sup> The ability to improve these practical skills differs from the ability to improve written work in that the opportunity of self-correction through editing is not present.<sup>259</sup> The importance of critically reviewing work cannot be overstated.<sup>260</sup> The feedback provided to students assists them in objectively analyzing their performance abilities by focusing on their strengths and weaknesses.<sup>261</sup> Critical feedback facilitates constructive determination of what changes should and must be made.<sup>262</sup> This also reinforces the supervisor's role as a mentor and role model and sets an example of setting and reaching high standards in work product.

### D. Supervisor Accessibility

As stated previously, communication is imperative to feedback.<sup>263</sup> Thus, availability to student-attorneys is an essential part of the supervising attorney's role.<sup>264</sup> The supervisor may be comfortable with an "open door" policy, or may find regularly scheduled meetings, such as meeting during a

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254. Katz, *supra* note 199, at 239.

255. See Ziegler, *supra* note 70, at 580-82.

256. Kristin B. Gerdy, *Teacher, Coach, Cheerleader, and Judge: Promoting Learning Through Learner Centered Assessment*, 94 LAW LIBR. J. 59, 81 (2002).

257. *Id.*

258. See Tarr, *supra* note 7, at 982-83.

259. See *id.*; Beryl Blaustone, *Teaching Law Students to Self-Critique and to Develop Critical Clinical Self Awareness in Performance*, 13 CLINICAL L. REV. 143, 145-49 (2006).

260. See Feeley, *supra* note 160, at 216-17.

261. Gerdy, *supra* note 256, at 79.

262. *Id.*

263. See Tarr, *supra* note 7, at 984.

264. Gharakhanian, *supra* note 30, at 92.

weekly “brown-bag” lunch, more practical.<sup>265</sup> The more often these discussions and case updates take place, the better.<sup>266</sup> Meetings to discuss current assignment progress will save time in the long run because the supervisor can confirm that the assignment is on the right path.<sup>267</sup> This allows for early identification and correction, reducing revision time, if any.<sup>268</sup> In addition to discussions directly associated with an assignment, reflection on the student’s every day observations and developments are valuable as well, and are very much appreciated by the student.<sup>269</sup> A supervising attorney will discover that they have much to offer to the student.<sup>270</sup>

## VII. EVALUATIONS: ASSESSING WHETHER STUDENTS HAVE ACHIEVED THEIR LEARNING OUTCOMES

### A. Supervisor Assessment of Student-Attorneys

At semester mid-point, the full-time clinic faculty schedules formal meetings with the students.<sup>271</sup> During these meetings, the field supervisor provides an evaluation of the student’s performance and professional growth.<sup>272</sup> The evaluations are reviewed with the student.<sup>273</sup> In addition, the supervisor provides a copy of the evaluation to the clinic professor.<sup>274</sup> Site visits or telephone conferences may be initiated by the supervisor or by the clinic professor, as needed.<sup>275</sup> At the end of the semester, the completed evaluation is sent to the clinic director.<sup>276</sup> The supervisor may need to be available for consultation with the clinic professor to review the student’s progress, or other issues or concerns regarding the placement or the

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265. See Hyams, *supra* note 6, at 80.

266. Ziegler, *supra* note 70, at 585.

267. Feeley, *supra* note 160, at 221-23.

268. See Hyams, *supra* note 6, at 80-81.

269. *Id.* at 90.

270. Carolyn R. Young & Barbara A. Blanco, *What Students Don’t Know Will Hurt Them: A Frank View From The Field on How to Better Prepare Our Clinic and Externship Students*, 14 CLINICAL L. REV. 105, 123-25 (2007); Hyams, *supra* note 6, at 80-83.

271. Tarr, *supra* note 7, at 969 (stating that feedback is more effective when it is seen as part of the overall program).

272. See *supra* Part V.F.

273. Tarr, *supra* note 7, at 969 (discussing feedback is more effective when seen as part of the overall program); see also Hyams, *supra* note 6, at 90-93.

274. See Appendix A for Evaluation of Student-Intern.

275. See *supra* Part V.B.

276. See Appendix A for Evaluation of Student-Intern.

program.<sup>277</sup> It is strongly recommended that the supervisor communicate promptly with the clinic professor or clinic director if the student-attorney fails to meet the placement requirements, or if any other clinic-related problem occurs.

At the conclusion of each semester, the supervising attorney completes a written evaluation of the assigned student.<sup>278</sup> The evaluation encompasses an assessment of the student's skill and professional development.<sup>279</sup> Once completed and signed, the evaluation is forwarded to the faculty supervisor who reviews it with the student.<sup>280</sup>

The skill development issues that are evaluated include: issue spotting; research; student writing; work product; organization; effective oral presentations; interaction with others such as victims or clients, victim or client preparation; student analysis of potential ethical and interpersonal issues; student preparation; personal appearance and articulation; effectiveness of court appearances; effectiveness as a negotiator; and whether the student knew when to bring a transaction to resolution.<sup>281</sup>

Professional development issues evaluated include: knowledge of substantive laws; continuous improvement in all lawyering skills; appropriateness of relationships maintained with judges, attorneys, court personnel and victims, clients, or witnesses; whether the student learned from experience and seeks opportunities for a new challenge; whether the student worked effectively with supervisor and other colleagues; willingness to revise written work as suggested by supervisor; whether the student was sensitive and responsive to support staff's time constraints and staff's efforts to avoid circumstances, such as crisis situations and unreasonable deadlines or expectations; whether the student was present when expected and punctual; and whether the student demonstrated poise and professionalism, as well as other generally intangible qualities that are necessary attributes in the legal profession.<sup>282</sup>

In addition, the supervising attorney is asked to give an overall assessment of the student and whether the supervising attorney would

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277. See *supra* Part V.F.

278. See Appendix A for Evaluation of Student-Intern.

279. Ziegler, *supra* note 70, at 575-77.

280. Once reviewed, the evaluation is placed in the student's file.

281. See Andreas Bückler & William A. Woodruff, *The Bologna Process and German Legal Education: Developing Professional Competence Through Clinical Experiences*, 9 GERMAN L.J. 575, 578-79, 590-93 (2008).

282. See Hyams, *supra* note 6, at 80-81; Cynthia Batt & Harriet N. Katz, *Confronting Students: Evaluation in the Process of Mentoring Student Professional Development*, 10 CLINICAL L. REV. 581, 593-99 (2003-2004).

recommend hiring this student.<sup>283</sup> The supervising attorney is also asked to make additional observations, clarifications, or comments not covered in the evaluation, which may be helpful in the overall development of this student-attorney.<sup>284</sup>

### B. Oral Evaluation

Communication is the key to any successful business endeavor and the law is no exception.<sup>285</sup> The oral exam is a key factor to the success of the future lawyer.<sup>286</sup> This does not mean that the reading, writing, and lectures are to be thrown out like the proverbial "baby with the bath water."<sup>287</sup> Professor Burman writes, "Since the American system relies almost totally on written exams, it unfairly benefits those students who write well but do not explain legal matters well in person. And it unfairly punishes those students who perform well orally, but not in writing."<sup>288</sup> Therefore, oral and written evaluations should be used in tandem to encourage well-rounded law student's skill set.<sup>289</sup>

The objective of the oral evaluation is as follows:<sup>290</sup>

1. To evaluate and improve the student's communication skills;
2. To determine the student's knowledge, preparation, understanding, and analytical ability in applying the legal materials to the given facts;
3. To evaluate the student's ability to explain and discuss the law to others; and
4. To evaluate the student's ability to think quickly on one's feet and respond to unexpected questions.

The oral evaluation helps the evaluator determine, based on the students' answers, where they are, how far they have come in their communication skills, and how well they can counsel their client using the correct law.<sup>291</sup> Oral evaluations are scheduled within the last two weeks of the clinic course to provide the students with adequate time to acquire and

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283. See Appendix A for Evaluation of Student-Intern.

284. *Id.*

285. Bucker & Woodruff, *supra* note 281, at 591.

286. Burman, *supra* note 130, at 131-32.

287. CHRISTINE AMMER, THE AMERICAN HERITAGE DICTIONARY OF IDIOMS 660 (1997).

288. Burman, *supra* note 130, at 138.

289. *See id.*

290. *See id.* at 134.

291. *Id.* at 136.

refine skills before the assessment.<sup>292</sup> A specific time, date, and place is designated.<sup>293</sup> To be effective, the public defender and prosecution externships, which are related in nature, are combined. Other clinics may be combined, though it is recommended that civil litigation, transactional clinics, and judicial externships be handled separately, due to the different skill sets that are to be assessed.

In the oral evaluation, the students are presented with a fact scenario.<sup>294</sup> After being given a limited time to absorb and process the facts, the students are asked questions designed to determine whether they exhibit the skills and the behavioral and attitudinal attributes necessary to successfully handle the given situation.<sup>295</sup> Panels of two or three local practitioners or judges conduct the oral evaluation. The clinic faculty provides a rubric to the evaluators, which outlines the standards by which the students will be evaluated.<sup>296</sup> Faculty observes and assesses but does not participate in the questioning. This division of labor promotes objectivity in the questioning and offers students a fresh point of view from active Bar members. The combination of both oral and written evaluations allows for a more effective manner of training and evaluating students who excel better in one method than the other.<sup>297</sup>

### C. *Acquiring Data for Continuous Improvement*

#### i. Seminar Evaluation

At the end of each semester, the student completes an evaluation on the seminar portion of the student's internship or externship and forwards it to the legal clinic program director.<sup>298</sup> The student evaluates the seminar on the following attributes: educational and skills development; syllabus availability; whether a description of the course was provided; whether objectives and assignments clearly established; whether required readings were on reserve in the library; whether the course clearly defined the schedule and time commitment required by the student; whether, after the first two seminar meetings, students were able to identify their learning

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292. *Id.* at 135.

293. *Id.*

294. Burman, *supra* note 130, at 135.

295. *Id.*

296. See Appendix B for Student Evaluation Oral Exit Assessment.

297. See Burman, *supra* note 130, at 138-39.

298. See Appendix D for Student's Evaluation of Seminar.

goals and practice log; whether the seminar provided support in reaching the student's learning goals and practice log; whether the seminar covered a diverse amount of topics and whether guest speakers enhanced the educational component of the course; and finally, how much students' reflective journal promoted their educational and professional growth.<sup>299</sup>

In addition, the student assesses the professional development aspect of the seminar.<sup>300</sup> This evaluation addresses the following: whether the seminar provided information on substantive laws; whether the seminar addressed continuous ways of improving in all lawyering skills; whether the seminar addressed ethical issues; and whether the seminar encouraged and supported the fundamental values of the profession, such as competent presentation, striving to promote justice, fairness, morality, and self-development.<sup>301</sup> The student provides any additional information not covered in the evaluation form regarding the seminar's effectiveness.<sup>302</sup>

#### ii. Student-Attorneys' Assessment of Supervision

The students participating in the clinical program evaluate the supervising attorney's role with respect to their supervision.<sup>303</sup> The assessment asks whether the supervisor met regularly with the student to review the work, discuss assignments, provide feedback, and make suggestions; whether an effective method of communication was established with the student; and whether the seminar covered the development of lawyering skills such as legal analysis, legal writing, oral advocacy, interviewing, counseling, and negotiation.<sup>304</sup> The students assess their overall view of the clinic course and whether they would recommend this course to their colleagues.<sup>305</sup>

Correspondingly, in externships, students have an opportunity to evaluate the field-placement and supervision by completing an evaluation form.<sup>306</sup> Upon completion, the form is given to the clinic director.<sup>307</sup> The director reviews each form, and if an issue is noted, the director counsels

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299. *Id.*

300. *Id.*

301. *Id.*

302. *See* Gerdy, *supra* note 256, at 81-83 (discussing the importance of learner-centered assessment and feedback in the area of legal research).

303. *See* Appendix C for Student's Evaluation of Site Placement.

304. *Id.*

305. *Id.*

306. *Id.*

307. *Id.*

with the faculty and the field placement supervisor and makes any necessary decisions regarding changes in supervisory behavior.<sup>308</sup>

### iii. Student-Attorney Assessment of Placement Site

The students assigned to outside agencies are asked to assess the placement sites in terms of acquired skills, development as a lawyer, supervisory interaction, and staff relations.<sup>309</sup> In terms of skills set, the assessment focuses on four main areas: analytic skills, the type of work performed, the percentage of time spent in researching and writing, and any courtroom observations, including the types of cases observed.<sup>310</sup> Specific queries concern: (1) whether the placement provided an opportunity to develop abilities like legal writing, research, legal analysis, and interviewing and counseling abilities; (2) advocacy and negotiation skills; (3) feelings of overall competence and confidence; (4) whether the student had sufficient time to prepare and develop a theory and strategy for assigned cases; (5) whether the student met deadlines; (6) the nature and quality of supervision provided; (7) whether the supervisor maintained sufficient contact; (8) whether sufficient guidance was provided; (9) whether sufficient responsibility was delegated to the student;<sup>311</sup> (10) whether the student had more than one supervisor; and (11) whether the supervisor provided the student with guidance in the area of skills development.<sup>312</sup>

Regarding development as a lawyer, the students are asked whether the placement: (1) helped develop skills of self-critique and reflection; (2) provided the student with a more integrated and critical understanding of how the legal system works; (3) provided the opportunity to learn from experience; and (4) provided opportunities for new challenges.

Supervisors are rated according to the following areas: student's satisfaction with the way the supervisor addressed issues, even if specific ethical issues did not arise; what was learned regarding professional responsibility in the course of clinical work; whether the workload was realistic; how long the supervisor thought the assignment should take; the

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308. *Id.*

309. *See* Appendix C for Student's Evaluation of Site Placement.

310. *Id.*

311. Tarr, *supra* note 7, at 986 (identifying responsibility).

312. *See* Appendix C for Student's Evaluation of Site Placement. Although the questions may be subjective on the part of the student, these inquiries nevertheless are important for developing reflective thinking and assessing learning outcomes.



time difference between the student's estimation for completing an assignment and the actual time it took; whether the supervisor was available to give guidance on assignments; whether the assignments challenged existing skills; the student's satisfaction with the supervisor's evaluation of work product; whether the supervisor provided effective feedback; any suggestions for improvement of supervision; whether the experience advanced the goals set forth at the beginning of the semester; and whether the student would recommend this placement to his or her colleagues.<sup>313</sup>

Finally, the student evaluates staff relations at the site placement.<sup>314</sup> This evaluation consists of: friendliness of staff; whether the office or space provided was conducive to the type of work assigned; whether the student worked closely with other staff; whether a spirit of teamwork was exhibited among the staff; and whether the student was included in staff functions. Students are also asked to describe the placement's atmosphere, i.e., formal, hectic, relaxed, or friendly.<sup>315</sup> Further, students are asked whether they have any suggestions to improve staff relations and the placement's working environment.<sup>316</sup> The most important survey is for the students to evaluate the overall placement.<sup>317</sup> Their comments are used to assess the clinic's continuing effort to ensure program quality and effectiveness.<sup>318</sup>

Through continuous assessment, the clinic structure ensures that student-attorneys who successfully complete the clinic program can competently perform tasks required once they become practitioners.<sup>319</sup>

## VIII. CONCLUSION

The Model Clinic framework is centered on developing and assessing student learning-outcomes which ensures students have achieved the necessary knowledge, skills, and training to become competent practitioners. The use of standardized measurement tools enables a uniform, less subjective means of ensuring a high quality clinical experience for both students and faculty, and, ultimately, the law school and

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313. *Id.*

314. *Id.*

315. *Id.*

316. *Id.*

317. *Id.*

318. See Appendix C for Student's Evaluation of Site Placement.

319. See MUNRO, *supra* note 9, at 52 (explaining that there is a significant difference between simply graduating students and graduating students who can competently perform those tasks required as members of the profession).

the community it serves. The methodology of the Model Clinic in assessing and measuring student learning outcome is an explicit goal of the overall program, which is why both supervisors and students are provided the guidelines and tools to implement this pedagogy.

The ABA, governmental agencies, corporation and law firms acknowledge the need to better prepare law students to enter into the practice of law with the necessary lawyering skills. Clinics are a bridge for achieving this objective. This is why practical skill development should be mandated and implemented through the Model Clinic framework suggested in this Article.

## ADDENDUM

### EVALUATION OF STUDENT-INTERNSHIP

#### STATE/GOVERNMENT/LEGAL SERVICES EXTERNSHIP

#### APPENDIX A

Date: \_\_\_\_\_  
 Student's Name: \_\_\_\_\_  
 Semester: \_\_\_\_\_  
 Supervising Attorney: \_\_\_\_\_  
 Phone: \_\_\_\_\_

At the conclusion of each semester, the **supervising attorney** completes this form evaluating the student-attorney named above. Once completed and signed, it is then forwarded to the externship professor. The supervising attorney or the externship professor reviews the evaluation with the student-attorney. Once reviewed, the evaluation is placed in the student's file.

*Please rate each student in the listed categories using the following scale.<sup>320</sup>*

1 = Unsatisfactory 2 = Needs Improvement 3 = Average 4 = Very Good 5 = Excellent N/A = Not Applicable

#### SKILLS DEVELOPMENT

Did the student spot relevant issues?	1	2	3	4	5	N/A
Was research thorough and complete?	1	2	3	4	5	N/A
Did the student write with clarity and precision?	1	2	3	4	5	N/A
Was work product (memoranda, briefs, or letters, etc.) convincing in content and structure?	1	2	3	4	5	N/A

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320. **Definitions:** **Excellent** = Far exceeds job requirements; **Very good** = Exceeds job requirements; **Average** = Meets job requirements; **Needs Improvement** = Poor; **Unsatisfactory** = Failure; **N/A** = Does not Apply.

Was it well organized?	1	2	3	4	5	N/A
Did the student make effective oral presentations?	1	2	3	4	5	N/A
Was student able to interact effectively with victims, witnesses, judges and opposing counsel?	1	2	3	4	5	N/A

Was student thorough and complete in questioning witnesses? For example, did the student gather the facts and secure all necessary data?	1	2	3	4	5	N/A
Did the student think through potential ethical and interpersonal issues?	1	2	3	4	5	N/A
Was the requisite time and effort expended to prepare properly for trial?	1	2	3	4	5	N/A
Were victims and clients and other witnesses adequately prepared?	1	2	3	4	5	N/A
Were arguments (including opening and closing, if applicable) effective?	1	2	3	4	5	N/A
Was direct-examination effective?	1	2	3	4	5	N/A
Was cross-examination effective?	1	2	3	4	5	N/A
Were objections properly made?	1	2	3	4	5	N/A
Was student an effective negotiator?	1	2	3	4	5	N/A
Did student know when to bring a transaction to resolution?	1	2	3	4	5	N/A

#### PROFESSIONAL DEVELOPMENT:

Knowledge of substantive laws?	1	2	3	4	5	N/A
Continuous improvement in all lawyering skills?	1	2	3	4	5	N/A
Were appropriate relationships maintained with judges, attorneys, court personnel and victims and witnesses?	1	2	3	4	5	N/A
(a) Did student learn from experience?	1	2	3	4	5	N/A
(b) Did student seek opportunities for new challenge?	1	2	3	4	5	N/A
(a) Did student work effectively with	1	2	3	4	5	N/A



## STUDENT EVALUATION

## ORAL EXIT ASSESSMENT

## APPENDIX B

Date: \_\_\_\_\_  
Clinic Course: \_\_\_\_\_  
Student Name: \_\_\_\_\_  
Semester: \_\_\_\_\_  
Professor: \_\_\_\_\_  
Evaluator: \_\_\_\_\_

Within the last week of the semester, an oral exit evaluation is conducted. The student is provided with a fact scenario at least one day before the evaluation process. The students must be prepared to answer questions on the given fact of the case. Questions are geared specifically towards the potential issues and ethical considerations of the particular clinic or externship. Evaluators will utilize the scale below when assessing the student. This is by no means an exhaustive list; it is only to be used as a guide.

*Please use the following scale<sup>321</sup> when assessing each category. Circle one in each category.*

1 = Unsatisfactory 2 = Needs Improvement 3 = Average 4 = Very Good 5 = Excellent

## SKILLS

1. **Knowledge:** Measures the student's knowledge in the substantive area of the law. (For example, preliminary proceedings, motion practice, etc.)

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321. **Definitions:** **Excellent** = Great skills training in every area of professional development; **Very Good** = Good overall skills training; **Average** = Meets skills training requirements; **Needs Improvement** = Falls below the expected standard; **Unsatisfactory** = Failure to meet minimum expected standards.



**Ethical Implications**            **1**    **2**    **3**    **4**    **5**

**NOTES:** \_\_\_\_\_

\_\_\_\_\_

**Overall**  
**Comments:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
**Evaluator's Signature**

\_\_\_\_\_  
**Date**



### Student's Evaluation of Site Placement

STATE/GOVERNMENT/LEGAL SERVICES EXTERNSHIP

#### APPENDIX C

Date: \_\_\_\_\_  
 Clinic Course: \_\_\_\_\_  
 Student Name: \_\_\_\_\_  
 Semester: \_\_\_\_\_  
 Supervising Attorney: \_\_\_\_\_  
 Site Location: \_\_\_\_\_  
 Professor: \_\_\_\_\_  
 Phone: \_\_\_\_\_

At the end of each semester, the **student-intern** completes this form and forwards it to the legal clinic program director.

*Please use the following scale<sup>322</sup> when assessing each category.*

1 = Unsatisfactory 2 = Needs Improvement 3 = Average 4 = Very Good 5 = Excellent N/A = Not Applicable

#### A. SKILLS DEVELOPMENT:

1. Describe the activities in which you engaged. Indicate the percent of time spent in research and writing and any courtroom observations, including the types of cases observed.

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322. **Definitions:** **Excellent** = Great skills training in every area of professional development; **Very Good** = Good overall skills training; **Average** = Meets skills training requirements; **Needs Improvement** = Falls below the expected standard; **Unsatisfactory** = Failure to meet minimum expected standards; **N/A** = Not Applicable (When noting "N/A," please explain why that question does not apply.)

*Please note if additional paper is attached.*

2. Did the placement provide an opportunity to develop your:

Legal writing ability?	1	2	3	4	5	N/A
Research ability?	1	2	3	4	5	N/A
Legal analysis?	1	2	3	4	5	N/A
Interviewing and counseling abilities?	1	2	3	4	5	N/A
Advocacy skills?	1	2	3	4	5	N/A
Negotiation skills?	1	2	3	4	5	N/A
Overall competence and confidence?	1	2	3	4	5	N/A
<i>Area of knowledge:</i>						
Preliminary proceedings	1	2	3	4	5	N/A
Pre-trial motion	1	2	3	4	5	N/A
Voir dire	1	2	3	4	5	N/A
Opening statement	1	2	3	4	5	N/A
Direct examination	1	2	3	4	5	N/A
Cross examination	1	2	3	4	5	N/A
Closing argument	1	2	3	4	5	N/A

**Comments:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. Did you have sufficient time to prepare and develop a theory and strategy for your cases?	1	2	3	4	5	N/A
4. Were deadlines met?	1	2	3	4	5	N/A

**Comments:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. Describe the nature and quality of supervision provided to you.

**Comments:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

6. Did your supervisor maintain sufficient contact?	1	2	3	4	5	N/A
7. Was sufficient guidance provided?	1	2	3	4	5	N/A
8. Was sufficient responsibility delegated to you?	1	2	3	4	5	N/A

**Comments:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

9. Did you have more than one supervisor? Yes \_\_\_ No \_\_\_ If yes, how many? \_\_\_\_\_

10. Did the supervisor provide you with guidance in the area of skills development?	1	2	3	4	5	N/A
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**Comments:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

11. On your development as a lawyer, was your placement able to help you develop skills of self-critique and reflection?	1	2	3	4	5	N/A
--	---	---	---	---	---	-----

**Comments:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

12. Did your placement provide you with a more integrated and critical understanding of how the legal system works?	1	2	3	4	5	N/A
---	---	---	---	---	---	-----

**Comments:** \_\_\_\_\_

13. Did the placement provide you with the opportunity to learn from experience?	1	2	3	4	5	N/A
14. Did your placement provide you with opportunities for new challenges?	1	2	3	4	5	N/A

**Comments:** \_\_\_\_\_

## B. PROFESSIONAL DEVELOPMENT:

1. In the course of your clinical work, did specific issues concerning professional responsibility arise, and if so, what was the extent of the guidance you received with regard to such issues? Yes \_\_\_ No \_\_\_

**Comments:** \_\_\_\_\_

2. Were you satisfied with the way the supervisor addressed the issue?	1	2	3	4	5	N/A
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3. Even if specific ethical issues did not arise, what kinds of things did you learn about regarding professional responsibility in the course of your clinical work?

**Comments:** \_\_\_\_\_

4. Was the workload realistic?	1	2	3	4	5	N/A
--------------------------------	---	---	---	---	---	-----

Too heavy? \_\_\_\_\_ Too light? \_\_\_\_\_

5. Please specify an assignment in which you allotted an amount of time to complete a task and the time allotted was either too much or not enough.

**Comments:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

6. What was the time difference between your estimation and the actual time it took?

**Comments:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

7. Was your supervisor available to give guidance on assignments?  
 Yes \_\_\_\_\_ No \_\_\_\_\_

8. Did the assignments challenge your existing skills?	1	2	3	4	5	N/A
--	---	---	---	---	---	-----

**Comments:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

9. Were you satisfied with the supervisor's evaluation of your work product? Yes \_\_\_\_\_ No \_\_\_\_\_

10. Did the supervisor provide effective feedback?	1	2	3	4	5	N/A
--	---	---	---	---	---	-----

**Comments:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

11. What suggestions would you make for improvement of supervision?

**Comments:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

12. Specifically, did the experience further the goals you set forth at the beginning of the semester?	1	2	3	4	5	N/A
--	---	---	---	---	---	-----

**Comments:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

13. Would you recommend this placement to other law students?

Yes \_\_\_\_\_ No \_\_\_\_\_

**Please Explain:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**C. STAFF RELATIONS:**

1. Was the staff friendly?	1	2	3	4	5	N/A
2. Was the office or space provided to you conducive to the type of work assigned?	1	2	3	4	5	N/A

**Comments:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

3. Did you work closely with other staff?	1	2	3	4	5	N/A
4. A spirit of teamwork exhibited among the staff?	1	2	3	4	5	N/A
5. Were you included in staff functions?	1	2	3	4	5	N/A

**Comments:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

6. Please describe the placement's atmosphere (i.e., formal, hectic, relaxed, friendly):

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7. What suggestions would you make to improve staff relations and the placement's working environment?

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8. How would you evaluate your site placement experience overall?	1	2	3	4	5
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Comments: \_\_\_\_\_

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#### D. GENERAL COMMENTS:

The comments you provide relating to your placement experiences are of great value. We are interested in **all** of your comments (i.e., great, good, unsatisfactory, etc.). Your experiences are unique and your perspective essential. The information you provide will assist us in our continuing effort to ensure the program's quality and effectiveness.

Explain:

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*Thank you!*

## STUDENT'S EVALUATION OF SEMINAR

## STATE/GOVERNMENT/LEGAL SERVICES EXTERNSHIP

## APPENDIX D

Date: \_\_\_\_\_  
 Semester: \_\_\_\_\_  
 Placement Site: \_\_\_\_\_  
 Supervising Attorney: \_\_\_\_\_  
 Professor: \_\_\_\_\_

At the end of each semester, the **student-intern** completes this form and forwards it to the legal clinic program director.

*Please use the following scale<sup>323</sup> when assessing each category.*

1 = Unsatisfactory 2 = Needs Improvement 3 = Average 4 = Very Good 5 = Excellent N/A = Not Applicable

## A. EDUCATIONAL AND SKILLS DEVELOPMENT:

1. Was there a syllabus provided for the course?	1	2	3	4	5	N/A
2. Was there a course description provided?	1	2	3	4	5	N/A
3. Were objectives and assignments clearly set forth?	1	2	3	4	5	N/A

---

323. **Definitions:** **Excellent** = Great skills training in every area of professional development; **Very Good** = Good overall skills training; **Average** = Meets skills training requirements; **Needs Improvement** = Falls below the expected standard; **Unsatisfactory** = Failure to meet minimum expected standards; **N/A** = Not Applicable (When noting "N/A," please explain why that question does not apply.)



4. Were required readings on reserve in the library?	1	2	3	4	5	N/A
5. Did the course clearly define the schedule and time commitment required by the student?	1	2	3	4	5	N/A
6. After the first two seminar meetings, were you able to identify your learning goals and practice log	1	2	3	4	5	N/A
7. Did the seminar provide the support in reaching your learning goals and practice log?	1	2	3	4	5	N/A
8. Did the seminar cover a diverse amount of topics?	1	2	3	4	5	N/A
9. Did the seminar include guest speakers, and if so, did they enhance the educational component of the course?	1	2	3	4	5	N/A
10. How much did your reflective journal promote your educational and professional growth?	1	2	3	4	5	N/A
11. <i>Did the professor meet regularly with you:</i>						
to review your work,	1	2	3	4	5	N/A
to discuss assignments,	1	2	3	4	5	N/A
to provide feedback, and	1	2	3	4	5	N/A
to make suggestions?	1	2	3	4	5	N/A
12. How effective was the method of communication established with you?	1	2	3	4	5	N/A
13. <i>Did the seminar cover the development of lawyering skills, such as:</i>						
legal analysis,	1	2	3	4	5	N/A
legal writing,	1	2	3	4	5	N/A
oral advocacy,	1	2	3	4	5	N/A
interviewing,	1	2	3	4	5	N/A
counseling, and	1	2	3	4	5	N/A
negotiation?	1	2	3	4	5	N/A
14. What is your overall view of this course?	1	2	3	4	5	N/A
15. Would you recommend this course to your fellow law students?	1	2	3	4	5	N/A

## B. PROFESSIONAL DEVELOPMENT:

1. Did the seminar provide information on substantive laws?	1	2	3	4	5	N/A
2. Did the seminar address continuous ways of improvement in all lawyering skills?	1	2	3	4	5	N/A
3. Did the seminar address ethical issues?	1	2	3	4	5	N/A
4. Did the seminar encourage and support the fundamental values of the profession?:	1	2	3	4	5	N/A
competent presentation,	1	2	3	4	5	N/A
striving to promote justice,	1	2	3	4	5	N/A
fairness,	1	2	3	4	5	N/A
morality and self-development	1	2	3	4	5	N/A

## C. GENERAL COMMENTS:

Please provide any additional information not covered above, which may be helpful in evaluating this seminar's effectiveness.

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