

Externship Pedagogy and Practice

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Preface

Alexander Scherr

This book gives you all that you will need to design and teach an externship course. But even a brief exposure to externships will highlight the importance of reflection, both as an assigned task in a course and as a requirement of American Bar Association regulations on externships.¹ In that spirit, this Preface contains my reflections after teaching externships for more than two decades and after supporting and advocating for externships nationally. During this time, I have taught in other formats too: podium courses; in-house clinics; practicums; and simulations. Inevitably, this reflection compares teaching formats, with a stress on the uniquely valuable features of the externship approach. At some points, I speak directly from my own experience; at others, I make assertions without personalizing them and will cite to discussions I have found especially persuasive. Please accept both forms of discourse as expressions of my convictions based on those years spent on externships.

Externship teaching differs from other kinds of law teaching in at least three ways.² First, externship teachers play distinctive roles in relationship to the other participants in the course. Second, externship teachers work with a different context than other kinds of teachers. Third, externship courses offer unique learning outcomes and a unique set of possible missions for the teacher. Role, context, and mission help to frame the satisfactions and challenges of externship teaching.

Role and Relationship

Relationships in an externship course form a triangle. As an externship teacher, I work with a student who works directly with a supervisor who I have recruited

1. I use the term “externships” to describe what the American Bar Association refers to as “field placement” programs. ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS, 2022–2023, STANDARD 304. The requirement of “faculty-guided reflection” appears in ABA Standard 304(a)(5).

2. For convenience, in this Preface, I will refer to the faculty member in an externship course as an “externship teacher” and to the faculty member in an in-house clinic as a “clinic teacher.” I mean to dodge the long-standing debate over whether externship teachers are “clinicians.” It is more productive to look at what teachers do in each setting, as this Preface and indeed this book mean to do for externship courses.

and with whom I maintain a separate relationship. This division of labor varies substantially between different kinds of externship courses.³ In the arrangement with which I am most familiar, the supervisor assigns and reviews work in the law practice, the externship teacher teaches a seminar and prompts student learning and reflection, and the student learns from both of us. As the externship teacher, I handle the closing evaluation, whether graded or ungraded, with input from both supervisor and student.⁴

This network of relationships differs from other courses in a law school. A podium course looks much more like an exchange between teacher and student, where the teacher delivers content and prompts analytical discussion with the students. A writing seminar intensifies that exchange into something that involves bespoke feedback on a student's work product. A simulation course offers a similar exchange between teacher and student, often with students working in teams and learning from each other. Finally, in an in-house clinic, the teacher and student have a similarly two-way relationship, with the teacher and student serving the needs of the client or cause on which the clinic focuses its work.⁵ As with seminars and simulations, in a clinic, the teacher can provide tailored feedback based on first-hand knowledge of a student's work in the clinic practice.

This description highlights one role an externship teacher does *not* play. As an externship teacher, I typically do not have daily exposure to an extern's legal work. An externship teacher may have prior experience with the practice area, especially in practice-specific externships such as criminal defense or corporate counsel. But the externship teacher usually cannot give students the same detailed feedback on specific work that is available to a teacher in a writing seminar, simulation, or clinic or, for that matter, to a supervisor at the student's placement.

The lack of this particular first-hand knowledge forms the central challenge of externship teaching. As a teacher in this format, I can mitigate this lack of knowledge in several ways: regular reflective journals from students; case rounds in class; one-to-one meetings with students; site visits and other check-ins with supervisors; even regularly reviewed time sheets. But oversight of multiple students and multiple

3. This division of roles forms part of the "written understanding" between teacher, supervisor, and student that the American Bar Association requires of externship courses. ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2022–2023, STANDARD 304(d)(i).

4. As this book will discuss, many variations exist, even within this traditional arrangement of roles. "Hybrid" courses further press this particular envelope, in some cases moving the externship teacher into the supervisor's law practice, in others bringing the supervisor to the task of teaching the seminar or assessing the student's overall performance.

5. It would be fair to reframe an in-house clinic as having its own triangular structure: a teacher works with a student (or team of students), who in turn works with a client or cause to whom both the teacher and the student bear ethical responsibilities. The relationship between the clinic teacher and the client or cause further differentiates this model from externships. The externship teacher typically lacks that direct relationship with client or cause, even in specialized externship courses where students work in the same kinds of law practices.

placements, coupled with the obligation to preserve confidences imposed by the rules of ethics, places a firm cap on what I can know about the legal work that any one of my students has done.

This looks like a fatal weakness of the externship method; but it is one of its strengths. These limitations allow me to assume other roles as an externship teacher that are difficult, if not impossible, to replicate in any other teaching format. To be sure, separating the externship teacher from the law practice eliminates any realistic chance for direct feedback on legal work. But it opens me and my students to a different relationship, one focused on critical reflection of the experience: a mentoring role, in which I can frame opportunities for learning and self-development and prompt a student to make the most of what they see and do at their placement.

The externship teacher has other relationships, ones not present in any other form of teaching. Specifically, I have a relationship with the supervisor at each placement. Some programs consist primarily of one-time, student-initiated placements. In my programs, I chose a different approach: my relationships with placements persisted over time, often for many years. This fact allowed and even required me to exert influence over the learning environment at that placement. Through recruitment, training, site visits, conversations, and end-of-semester feedback, I found that, in many cases, I could improve the capacity of the supervisor to provide feedback and guidance similar to what a student receives in an in-house clinic.

Similar, but not identical. A key difference exists between the supervision provided by an in-house teacher in a clinic and the supervision given by a supervisor. To over-simplify, as a clinic teacher, I set out to create a law practice intentionally designed to teach. An externship site supervisor does not start with that intention; the shape of the outside practice reflects other goals and purposes. While a supervisor may have a calling as a teacher or mentor, the goals of their practice predominate. This is a key reality of the real world of externships, addressed in the next part of this Preface.

An externship teacher relates not only to the student and supervisor, but also to the relationship between them.⁶ The externship teacher has a direct concern with the quality of that relationship. If it is working, the externship teacher can help the student make the most of the learning it provides. If it does not work, the externship teacher can and should help the student take corrective steps. In the worst case, I would help a student to “learn from the negative,” helping the student extract insights from the current challenge that might lead them to find and eventually create better practices in the future.

One last point: I have often held an internal debate about how “present” I should be as an externship teacher in my relationship with a student. On the one hand, I

6. In visual terms, imagine a line drawn from one vertex of a triangle to the center point of the line connecting the other two vertices.

have a natural desire to do and be seen as doing something that has impact and value. This performative desire characterizes classroom teaching and in-house clinic teaching alike; it reflects the reality that I am being paid to teach and that I am identified as a teacher by the students who take the course.

On the other hand, I can advance an argument that the best externship teacher should be invisible in the student's learning process. Yes, I have put the work into creating the course, matching the student with the supervisor, developing a seminar, and prompting reflective analysis. But once started, the learning experience becomes about what the student gains and achieves in the world of their placement. Having suggested some frameworks for understanding and set some assumptions about reflection, I should then disappear and let the student learn how to learn on their own.

Or at least, so goes that side of my inner debate. Two realities make perfect invisibility impossible: the need to be active when things go wrong for the student, and the power that inheres in end-of-semester evaluations. Both pull a teacher out of the role of unseen influencer. Personality and temperament also make complete disappearance unlikely; I confess to enjoying the performative aspects of teaching. But there is a useful humility and discipline that comes from recognizing the secondary, supportive, complementary role that externship teachers play in their students' encounters with the real-world context of their placement.

Context

Externship courses show students the world of practice as it is, including its pressures, limitations, and challenges. Among law school courses, only in-house clinics come close to this reality. A well-designed, well-taught in-house clinic asks students to work for clients' causes, problems, or concerns with the benefit of close supervision and supportive feedback. As a clinical teacher, I have the chance to model both good law practice habits and good legal judgment within my own style of practice and supervision. Well-designed clinics demonstrate reflective lawyering both in the relationship between the teacher and student about clinic work and in the cross-resonance between the clinic seminar and the clinic practice. In short, students in an in-house clinic benefit from an intentionally designed learning environment that maximizes what they can learn from that practice. This intentional design brings them into contact with the real world while remaining within a well-framed, reflective structure.

Exposure to exemplary practice, with a focus on student learning, can occur in an externship placement. But the realities of a non-clinical law practice change the kind and quality of learning available to students. In my work as an externship teacher, I worked with a range of supervisors. Some took their role as teachers and mentors seriously and invested the time and resources to provide students with the best possible learning experience. Far more often, supervisors had to balance their role as

teachers with the other demands of their practice. In some, and I believe very few, student learning was at best incidental and at worst irrelevant to the main goals of the practice. Rather than reduce the number of placements only to those with dedicated teachers/supervisors, I chose a broader range of opportunities, knowing that students in different placements would have different experiences and would need different things from me as an externship teacher.

This diversity in learning environments matches other kinds of diversity inherent in the externship method of experiential education. Generalist externship courses offer an obvious example. Students in these courses may work in judicial chambers, public interest practices, governmental agencies, or private firms, a reality that poses a special challenge to the externship teacher both in the seminar and in that teacher's one-to-one relationship with a student trying to understand the special features of that practice. Specialized externships, those focused on specific practice areas, ease these challenges, especially for a teacher with experience in that area. But even there, the diversity in offices' cultures, personalities, and cases creates a more diverse context for learning about lawyering than a single in-house clinic can deliver.

Externships also bring students in touch with certain practical dimensions of law practice they will encounter in the years after they graduate. To help frame this context, I created and regularly used a "lawyering audit" exercise designed to help students come to terms with these realities.⁷ The audit focuses on pressures common to all law practices: the differences between billing and non-billing practice; the opportunity costs of decisions during case acceptance; differences in practice structure, hierarchical, collaborative, or otherwise; the size of caseloads; and the pressure to specialize. Externs can observe how different lawyers relate to clients or causes; how practices divide the work of lawyering between practice roles, including investigators, paralegals, and administrative staff; who controls decision-making about cases and by what standards; how negotiation styles affect outcomes; and how each practice evaluates the performance of lawyers in decisions about job advancement and compensation.

Many of these pressures exist in an in-house clinic; a well-designed clinic makes them as transparent as possible, a topic for discussion. But a fundamental difference exists in how law office culture functions in a clinic as compared to an outside practice. Externship courses can help students see how practice works *after* they are finished with law school, creating unique opportunities for learning, reflection, and career planning.

Two other aspects of the externship context deserve mention: maintaining well-being and sustaining a high quality of practice. As to the former, in my experience with externships, students learn as much about well-being and what it takes to have a full and satisfying life as a lawyer as they do about anything else. Students

7. Alexander Scherr, *Learning About Lawyering*, in *LEARNING FROM PRACTICE: A TEXT FOR EXPERIENTIAL LEGAL EDUCATION* 385–93 (Leah Wortham et al. eds., 2016).

observe and evaluate the lawyers at their placements as models for how to live. Students can take reassurance from those lawyers who have found satisfaction in their work . . . and a warning from those who have not. In an in-house clinic, students imprint on what their clinic teacher shows them. By contrast, an externship teacher's approach to well-being matters little, if at all. Instead, the externship teacher can frame quiet questions about how lawyers at the placement shape and structure their lives as lawyers.

As to quality of practice, in my experience with externship teaching, students are often surprised to see the difference between the standards they have learned in law school and those they encounter in practice. Law school, including in-house clinic courses, can and should create models for exemplary practice, whether in writing, in investigation, in relating to clients, or even in routine record keeping. By contrast, what students observe in externships often varies from these models. For example, when asked about the kind of written assignments they receive from busy supervisors, many students note with surprise that they are *not* asked to write in traditional "IRAC" format or even to do more than summarize a list of cases. More generally, experience in the real world of a placement can and should expose students to wide disparities, not just in the quality of lawyering, but in the definitions of quality. These can result from too much work, too little time, inadequate resources, and the lack of perfect knowledge. This encounter with imperfection in the real world places a special demand on the externship teacher: to help a student appreciate how the analytical and practice habits developed in law school relate to long-term success and professional satisfaction with the craft of lawyering.

Mission

Faced with the structured chaos of practice outside law school and with a wide diversity in ways to practice law, one can forgive an externship teacher for lacking a clear sense of mission. This uncertainty appears repeatedly at externship conferences: what should I do with the seminar? What should I ask students to discuss in their reflective essays? What frameworks can I offer students as they grapple with what they encounter at their placements? These questions are both professional and personal: professional, in the sense of defining and integrating learning outcomes in a specific externship course; and personal, in the sense of centering the complexity of the externship experience around the teacher's own sense of what most needs teaching. I have come to see them as variations of one overriding question: what am I trying to do with this course? What is my mission?

This Preface cannot address all the different missions an externship course might serve. To some extent, the range of available missions is as broad as the number of externship teachers or even of externship courses. This book gives you a start on determining how to implement your own sense of mission through externship course design, management, and delivery. I have become convinced that externships offer

just as many opportunities for intentional, mission-driven teaching as any other form of law school teaching. The remainder of this Preface suggests how the distinctive features of the externship method may influence the selection of externship mission.

First, a note of caution about externship design. In nearly 25 years of externship teaching, I have yet to find an externship course that has the same goals as any other. This includes courses at my own school and courses I have taught. My own school offers several generalist externship courses alongside specialized externships in prosecution, criminal defense, capital defense, and corporate counsel practices. The generalist courses themselves have quite different goals. A part-time externship in my local small city looks and teaches differently than a full-time course in our state's capital city; and full-time externships themselves differ among in-state, Washington D.C., or remote placements in other regions. This perspective prompts an initial suggestion: what you might try to achieve with an externship course should take advantage of the specific externship experiences your students will have.

Second, I discussed above some of the limits on what an externship course can do. The mission you choose for your externship should respect those limits. For example, if you intend to deliver specific formative feedback about your students' legal work at their placements, make sure to consider carefully whether your course design and your relationship with the attorneys/supervisors at your placements will make that possible. The creation of hybrid clinical courses, those in which the externship teacher directly supervises case work at the placement, can fairly be described as driven by the goal to provide close, high-quality feedback on student work in a manner similar to an in-house clinic.

Third, I have already noted how the center of learning in an externship does not lie in the clinic seminar or in the relationship between externship teacher and student. It may also be true that what happens at the placement is also not at the center of learning, although it comes closer. As with an in-house clinic, the real focus of learning in an externship rests in the mind, heart, and spirit of the student, in whatever lessons and long-term guidance the student takes away from the experience into their future practice. The separation in an externship between what happens at the placement and what happens at the law school reinforces the notion that students learn in the transitions between the two, more perhaps than in any other law school course.

To me, this explains some of the powerful attraction of professional self-development as an appropriate goal of an externship course: an intentional focus on the formation of a law student's professional identity. Initially identified as one of the three "apprenticeships" of legal education by the Carnegie Report,⁸ the mission of

8. WILLIAM M. SULLIVAN ET AL., *EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW* (2007).

“professional identity formation” has become so widespread and so well-articulated⁹ that it has become a required part of legal education.¹⁰ This mission seems especially well-suited to the externship method. Externship students must negotiate the separation in contexts between law school and placement and the division in role between externship teacher and supervisor. In doing so, the locus of learning falls squarely on students’ sense of themselves and on their newly emerging identity as lawyers. An externship course that focuses on professional identity formation has found a good match between method and mission.

The power of the externship method, however, offers goals that go well beyond a focus on professional identity. As already described, externship courses bring students into contact with the world of lawyering as it is, with its many sub-cultures, economic pressures, and organizational structures, not to mention its inequities, uncertainties, and barriers. For many students, the whole point of an externship is to become a part of that world, not least to join the networks and learn the language used by those who may help them find future work. This encounter with the hard-edged pressures and realities of practice deserves recognition. I find a point made recently by Spring Miller especially persuasive:

For all the recent discussion of helping students cultivate a professional identity and an ethic of professionalism in law school, the reality is that the institutions into which students go on to work will heavily shape (and often limit) the professional, ethical, and career-related choices available to them. Students need information and tools to understand the particular constraints and opportunities associated with practice in widely diverse institutions of the profession so that they can forge careers that align with their professional, ethical, and personal values, as well as their material and financial needs.¹¹

A mission that focuses on the “constraints and opportunities” of law practice and legal institutions is also well-suited to a course that gives students experience outside the law school’s walls.

This exposure to the institutions of law practice leads me to identify another congruence between externship method and mission: the role of an externship course in prompting critique of the law itself and of the legal profession. The separation between externship teacher and practice context creates an opportunity for

9. See Kelly S. Terry, *Externships: A Signature Pedagogy for the Apprenticeship of Professional Identity and Purpose*, 59 J. LEGAL EDUC. 240 (2009); Timothy Floyd and Kendall Kerew, *Marking the Path from Law Student to Lawyer: Using Field Placement Courses to Facilitate the Deliberate Exploration of Professional Identity and Purpose*, 68 MERCER L. REV. 767 (2017).

10. ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS, 2022–2023, STANDARD 303(b).

11. Spring Miller, *The Generalist Externship Seminar: A Unique Curricular Opportunity to Teach About the Legal Profession*, 27 CLINICAL L. REV. 301, 311 (2021).

the teacher to inquire critically about how laws and legal institutions accomplish justice and advance broader social concerns. As Robert F. Seibel and Linda H. Morton have noted,

Externship programs also provide an ideal structure for helping students to gain perspective on the legal system—to examine legal doctrine in the context of societal problems, apply jurisprudential and other philosophical considerations to the practice of law, and compare and critique legal systems.¹²

I know that interrogation of how law and legal process serve societal goals has long been at the center of law school teaching and scholarship. The last half-century and more has seen that interrogation carried in new directions by the increased use of experiential methods. Externship courses place students in a position to interrogate these realities both from within a given law practice and from without.

The distinctive combination of role, context, and mission that frames this reflective Preface leads me to one final, speculative point. I have often heard externships described as a good way for law students to get their first job. Given the opportunities for networking and immersion in a community of practice, I see that point. But I have come to believe that I should focus my externship teaching not on finding or starting the first job, but on a later transition. Most starting practitioners face three to five years of immersion in a new apprenticeship, a fuller and more long-lasting version of the transient practice they first encounter in a clinic or externship. At the end of that apprenticeship, many begin to feel a sense of mastery in their work as lawyers.¹³

12. Robert F. Seibel & Linda H. Morton, *Field Placement Programs: Practices, Problems and Possibilities*, 2 *CLINICAL L. REV.* 413, 420 (1996).

13. If we assume a 40-hour week and two weeks a year of vacation, five years of practice comes to 10,000 hours: similar to Malcolm Gladwell's much criticized version of the time it takes to achieve mastery in a complex field. See generally MALCOLM GLADWELL, *OUTLIERS: THE STORY OF SUCCESS* 41 (2008). More hours per week (and less vacation) would accelerate that process. Gladwell bases his theory in large part on psychological research, specifically on the amount of practice required to master a musical instrument. K.A. Ericsson, R.T. Krampe, & C. Tesch-Römer, *The Role of Deliberate Practice in the Acquisition of Expert Performance*, 100 *PSYCHOLOGICAL REV.* 363–406 (1993). One of the authors of that study, Anders Ericsson, has challenged Gladwell's reading of the study, asserting, at least in part, that it fails to account for the role of "deliberate practice," that is, work under the guidance of a teacher. Jeffrey Young, *Researcher Behind '10,000-Hour Rule' Says Good Teaching Matters, Not Just Practice* (May 5, 2020), <https://www.edsurge.com/news/2020-05-05-researcher-behind-10-000-hour-rule-says-good-teaching-matters-not-just-practice>.

I believe, without any empirical proof, that it is at that point that a lawyer asks not “Can I do this job?” but rather “Is this what I want to do? Is this what brought me to the law in the first place?” The young lawyer may stay or may move to something else. But a young lawyer who has experienced a well-designed externship course will have acquired a habit of reflection, a confident identity, and a clear-eyed, critical appraisal of the world as it is. With these, I believe, that lawyer will make decisions more likely to lead to longer-term satisfaction, fuller engagement with all life’s commitments, and the pursuit of a more just and compassionate world.

Introduction

The Purpose and Vocabulary of This Book

“Legal education is a powerfully transformative experience.”¹ During their course of study, law students must learn the law, the legal profession’s way of thinking and problem-solving, the practice skills required of lawyers, and the ethical obligations that govern lawyers. They must learn how to manage time, communicate with clients and others, work with supervisors, and take on the responsibilities and problems of those they represent. Students also must learn the norms and values of their chosen profession and integrate those norms and values with their own personal attitudes, values, and beliefs.² Thus, legal education shapes students in profound and lasting ways that affect them for the course of their careers.

Law school externship courses can be a crucial component of this transformative process. Externships are for-credit courses that place students in law offices, judicial chambers, and other settings to engage in authentic lawyering tasks under the direction of a qualified supervisor there, who works in partnership with a faculty member at the law school to provide a rigorous educational experience. By immersing students in the real world of practice, externships provide students the opportunity to see the law in action, work with real clients and cases, practice their developing legal skills, experience the pressures and time demands of practice, and begin to form their own sense of who they are and will be as members of the legal profession. Students begin to realize the nuance and complexity of real legal issues, which cannot be replicated in a casebook hypothetical or a simulation exercise. They see firsthand the effects that bias, poverty, discrimination, and lack of resources have on the justice system, in both civil and criminal matters. They learn about the impact that legal issues can have on an individual, a family, or a business. Most importantly,

1. Timothy W. Floyd & Kendall L. Kerew, *Marking the Path From Law Student to Lawyer: Using Field Placement Courses to Facilitate the Deliberate Exploration of Professional Identity and Purpose*, 68 *MERCER L. REV.* 767, 767 (2017).

2. See, e.g., WILLIAM M. SULLIVAN, ANNE COLBY, JUDITH WELCH WEGNER, LLOYD BOND & LEE SHULMAN, *EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW* (2007).

they experience these issues through a structured educational program that is focused on their learning and professional development.

With the increasing demands for law graduates to be more “practice ready,” as well as the decreasing opportunities for employer-provided training and mentorship, externship courses have increased in number over the years and become an essential component of legal education. They now are an established part of the curriculum at the vast majority of law schools in the United States. Along with law clinics and simulation courses, externship courses are one of the three forms of experiential education recognized by the American Bar Association’s law school accreditation standards.³ Many externship courses now fall within the purview of an associate dean for experiential education, a position created by many schools to oversee their experiential offerings⁴ in light of the requirement that all students must complete six hours of experiential education prior to graduation.⁵

Like all courses in the law school curriculum, externships are expected to adhere to best practices in instructional design, teaching methods, and assessment of student learning. However, externships differ from other experiential courses because they require the participation of persons outside of the law school—the supervising attorneys at the externship sites—in the education of students. The externship faculty member and the site supervisor must work in tandem with one another, and with the externship student, to ensure that the desired student learning is achieved. For example, externship faculty must vet prospective externship sites to ensure that supervising attorneys understand the teaching and supervision expectations and that they have the capacity to meet them. Faculty also must vet students to determine their eligibility to take an externship course, and some faculty screen students to match them with externship sites. Faculty also are responsible for training site supervisors, communicating with them as they manage students, ensuring that they provide a rich learning experience, and evaluating their performance as a supervisor. In addition, faculty must help students resolve any difficulties they encounter at their externship sites. Students often work in different types of practices, engage in different lawyering tasks, and confront different challenges. Some students may be working in the same geographic area as the law school, while others may be working in a different state or abroad in other countries. Thus, externship courses involve

3. ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2022–2023, STANDARD 304(a). The complete ABA Standards are available at www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/standards/2022-2023/2022-2023-aba-standards-and-rules-of-procedure.pdf.

4. See Margaret Martin Barry, Robert Dinerstein, Phyllis Goldfarb, Peggy Maisel & Linda H. Morton, *Exploring the Meaning of Experiential Deaning*, 67 J. LEGAL EDUC. 660 (2018).

5. ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2022–2023, STANDARD 303(a)(3).

many moving parts that must work together seamlessly to provide the optimal learning experience for students.

Our purpose in writing this book is to create a resource that allows all of the various constituents with a stake in externships to easily access information about the design, teaching, and educational benefits of these courses. Faculty new to externship teaching often are overwhelmed by the volume of decisions and tasks that confront them. Experienced externship teachers regularly need to refresh their understanding of the ABA accreditation requirements or look for inspiration when they want to retool their course or need to create a new one. Deans and associate deans for experiential education, who may not be familiar with externship pedagogy, will benefit from information that explains the unique nature of externship teaching and supervision, and the resources that it requires. Site supervisors will be better mentors and teachers if they understand the educational rationale for placing students in their offices and how they can further the law school's mission of creating competent and well-prepared lawyers.

Thus, this book is designed to provide the foundational knowledge that is necessary for every person involved in the design and implementation of externship courses, including externship faculty, directors of externship programs, site supervisors, deans, associate deans, and other law school administrators. Our goal is to provide a shared body of common knowledge so that each school can implement its externship programs and courses in the most educationally beneficial manner. To that end, we have made certain choices regarding the vocabulary we use to ensure consistent usage throughout. Below is a list of the common pedagogical terms that we use, and our definitions for each of those terms.

Experiential Education: “is an active method of teaching that ‘integrates theory and practice by combining academic inquiry with actual experience.’ It encompasses ‘many methodologies in which educators purposefully engage with learners in direct experience and focused reflection in order to increase knowledge, develop skills, clarify values, and develop people’s capacity to contribute to their communities.’”⁶ We distinguish experiential education, which requires facilitation and guidance by an instructor, from experiential learning, which is simply learning from one’s own experiences.⁷

Externship Site: A practice setting outside of the law school, such as a law firm, government agency, corporation, nonprofit organization, or judge’s chambers, in which a student enrolled in an externship course engages in lawyering tasks under the supervision of a licensed attorney or an individual qualified to

6. Susan L. Brooks, Cynthia Adcock, Stephen Ellmann, Robert L. Jones, Jr., Christine Cimini & Margaret Berry, *Experience the Future: Papers from the Second National Symposium on Experiential Education in Law: Alliance for Experiential Learning in Law*, 7 ELON L. REV. 1, 15 (2015) (internal citations omitted).

7. *Id.*

supervise. We use the term “externship site” in lieu of the term “field placement,” which is used in the ABA Standards, because the academic literature more commonly uses the term “externship.”

Site Supervisor: An employee of the externship site who has the requisite qualifications to supervise an externship student’s work there and who directly manages the student’s day-to-day work at the externship site.

Externship Program: “The collection of courses within a school’s clinical legal education program that provides students with the opportunity to integrate academic inquiry with work experiences in the law for academic credit. Students are immersed in legal practice settings external to the law school, and supervision of students is shared by faculty and [site] supervisors.”⁸

Externship Course: “A course in which a significant part of the learning relies on students either representing clients or performing other lawyering roles under the supervision of practicing lawyers or other qualified legal professionals, such as judges, mediators, and legislators. These field supervisors share supervision of students with faculty.”⁹ Externship courses satisfy the requirements of ABA Standard 304(d).¹⁰

General Externship Course: An externship course that enrolls students working in different types of practice settings.¹¹

Subject-Specific Externship Course: An externship course that enrolls “students who are working only in a particular type of practice setting (criminal, judicial, corporate, etc.)”¹²

Externship Faculty: A member of the law school faculty who teaches one or more externship courses; supervises the students in the course; guides the students in ongoing, contemporaneous reflection on their externship experiences; ensures that externship sites in the course provide students with substantial lawyering experience and opportunities for performance, feedback, and self-evaluation; and evaluates the educational achievement of the students in the course.¹³

8. *Id.* at 18.

9. *Id.* at 20 (quoting ROY STUCKEY & OTHERS, BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROADMAP 198 (2007)).

10. ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2022–2023, STANDARD 304(d).

11. See Spring Miller, *The Generalist Externship Seminar: A Unique Curricular Opportunity to Teach About the Legal Profession*, 27 CLINICAL L. REV. 279, 281 (2021) (“generalist externship” refers to “an externship course that includes students working in diverse practice settings”).

12. *Id.*

13. See ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2022–2023, STANDARD 304(a) and (d).

Externship Program Director: A member of the law school faculty or administration who oversees the operations of an externship program.

Externship Seminar: A class that students take concurrently with their externship work that provides a means for them to engage in “ongoing, contemporaneous, faculty-guided reflection.”¹⁴

A Roadmap for Using This Book

While we hope all sections of this book will be useful to many readers, we expect that some readers will find certain sections more beneficial based on their specific roles and responsibilities. To that end, we provide this roadmap to help readers quickly find the information that is most useful to their particular needs:

Section One: Externship Foundations and Context

This Section consists of two chapters that provide foundational information about the development of externships and the regulatory landscape in which they operate. Chapter 1, *Externships Overview*, provides a brief history of the development of externships, explains the role of externships in the broader context of experiential education, and introduces the core components of externship pedagogy. Chapter 2, *ABA Standards and Other Regulatory Requirements*, explains the ABA accreditation requirements that govern externship design and implementation, as well as the requirements of regional accrediting agencies that impact externship teaching.

Section Two: Designing and Implementing Externship Programs and Courses

This Section consists of five chapters, all of which focus on discrete aspects of the design, implementation, and teaching of externships. Chapter 3, *Designing and Executing Externship Programs*, provides a guide for designing an externship program comprised of multiple courses and addresses issues such as the different types of program models, student eligibility and application processes for externships, the selection of externship sites, and the credit hours awarded for student work. Chapter 4, *Selecting, Training, and Evaluating Site Supervisors*, explains how externship faculty should work in conjunction with site supervisors to ensure an educationally beneficial experience for students. While the issues explored in these chapters often are classified as merely “administrative,” each decision in these areas is an important component of externship pedagogy.

Chapter 5, *Establishing and Assessing Student Learning Outcomes for Externship Programs*, discusses how to establish student learning outcomes for an externship program comprised of multiple courses and how to gather and evaluate data to deter-

14. ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2022–2023, STANDARD 304(a)(5).

mine whether students are achieving the outcomes. Chapter 6, *Special Considerations Regarding Remote Work Environments and Site Locations Away From the Geographic Area of the Law School*, explores program design considerations in the specific context of externships taught remotely or located outside of the law school's immediate geographic area. Chapter 7, *Designing Individual Externship Courses*, explains how to apply best practices for instructional design in creating externship courses, including student learning outcomes, selection of instructional materials, and assessment methods, while also satisfying the ABA requirements for externships.

Section Three: Teaching the Externship Course

This Section consists of four chapters, all of which focus on methods for providing externship students a means for engaging in ongoing, contemporaneous, faculty-guided reflection. Chapter 8 explores essential elements that should be part of any externship course, including student goal-setting, meaningful learning experiences, and the ability to engage in the skill of reflection. Chapter 9, *Topic Ideas for the General Seminar*, suggests topics that externship teachers can address in a seminar that includes students working at different types of placements. Conversely, Chapter 10, *Topics for Subject-Specific Seminars*, offers suggestions for topics that teachers might include in a seminar in which all of the students are working in the same type of practice setting. Chapter 11, *Teaching Techniques and Resources for Externship Teachers*, explores adult learning theory and provides guidance on different types of teaching techniques that can be used to maximize student learning, including rounds discussions, simulation exercises, quick-writes, and small-group work, among others. Chapter 12, *Using Online Technology in Teaching Externships*, recognizes the increasing role of online instruction in legal education and discusses methods for teaching externship courses online in synchronous, asynchronous, and hybrid formats.

Section Four: Guidance for Site Supervisors

Section Four consists of a single chapter—Chapter 13, *Guidance for Site Supervisors*. This chapter is intended primarily to be a stand-alone chapter to serve as a resource for the attorneys, judges, or other supervisors who oversee students in their work at externship sites. It also may be useful to those working with site supervisors, since it provides a general overview of design and implementation considerations for externship courses.

Appendix

The final section of the book is an Appendix, which compiles samples of resources for externship teaching and administration, including rubrics, supervisor and student evaluation forms, student learning agendas, mid-semester evaluations, and other relevant materials.

A Final Introductory Thought

Externship courses are a vibrant and enriching component of the law school curriculum. The pedagogy of externship teaching is dynamic and rigorous, and teachers in the externship community are collegial and generous. Ideas and resources are shared freely and frequently via the externship listserv,¹⁵ the LexternWeb website,¹⁶ and at externship and clinical conferences.¹⁷ LexternWeb in particular is a treasure trove of resources, with examples of course syllabi, manuals for site supervisors, teaching materials, learning outcomes, rubrics, and links to externship scholarship. We find our work teaching externship courses deeply meaningful and gratifying, as we help students in their journey to become a lawyer. We hope you do as well, and we hope this book proves to be a helpful resource for you, whether you are a veteran teacher or are completely new to externship teaching.

15. To subscribe to the externship listserv (LEXTERN@listserv.gsu.edu), please send an email to Professor Kendall Kerew at kkerew@gsu.edu.

16. See www.lexternweb.org (last visited March 21, 2022).

17. See www.lexternweb.org/clinical-conferences (last visited March 21, 2022) (information about biennial conferences for externship faculty and annual national and regional conferences for clinical faculty).

