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LEARNING HOW TO LEARN: CARNEGIE'S THIRD APPRENTICESHIP

LAURIE BARRON*

This article uses the lens of the Carnegie Report's third apprenticeship (of "Professional Identity Formation") to examine one particular component of an externship program – the mid-semester self-evaluation and meeting process. The author argues that several lessons critical to the formation of professional identity can be taught through this component: the skill of learning to be effectively supervised by others, the skill of being a self-directed and reflective learner, and the skill of exhaustive preparation. The author also argues that the Carnegie Report's call for increased formative assessment can be met through this process because the on-site supervisor can critique the student's self-evaluation in the presence of the faculty member. Because the ABA Regulations do not require a three-way meeting that includes the faculty member, the on-site supervisor, and the student, many externship programs do not include this component. This article is designed to spark a discussion among clinicians about the teaching of professional identity formation, the incorporation of formative assessment, and quality faculty engagement (a Best Practice for Externships) through a mid-semester self-evaluation process or other pedagogical practices.

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INTRODUCTION

Each semester I conduct an on-site mid-semester meeting with each of the thirty Roger Williams University School of Law (RWUSOL) externship students and their supervising attorneys or judges. These meetings take place all over Rhode Island, Southeastern Massachusetts, Boston, and often Connecticut. Although this process is enormously labor-intensive, I embrace it as a signature component of the externship program that fosters the goal of teaching students to become self-directed learners and reflective practitioners.¹ Over the years, I have become more intentional about the method behind these meetings in an attempt to formulate the optimal recipe for a productive, efficient meeting—one that facilitates and reinforces the professional and educational importance of an effective supervisory relationship between the student and supervisor.

In my early years as the director of the externship program, I floundered in these meetings. Without clear pedagogical goals for this component of my program, I tinkered with its design, preparation, and execution literally every semester, struggling to find the perfect² methodology. I had inherited a program that included this three-way meeting and never considered ending this component. I knew that a broad range of practices existed in different law school programs around the country and that while some externship faculty members made it a point to fly across the country to visit students in long-distance externships, other faculty members did not meet with students and on-site supervisors even when students literally worked down the street. Because the ABA doesn't require in-person meetings or even site visits for most programs,³ many externship program directors consider this on-site, three-way meeting to be dispensable or a luxury they cannot afford. And because each externship program has different goals, this

¹ See J.P. Ogilvy, *Learning From Experience*, in *LEARNING FROM PRACTICE* 1, 2-5 (J.P. Ogilvy, Leah Wortham, & Lisa G. Lerman eds., 2d ed. 2007). This seminal externship text provides a model for self-directed learning that has been adopted by many externship programs.

² Just to be clear, when I use the term "perfect," I don't really mean that we should be striving for perfection. The term "perfect" should be interpreted to mean "as good as it can be" or simply striving for something better.

³ STANDARDS FOR APPROVAL OF LAW SCHOOLS, Standards 305(e)(3) & 305(e)(5) (Am. Bar Ass'n Section of Legal Educ. & Admissions to the Bar), available at http://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2011_2012_aba_standards_chapter3.authcheckdam.pdf (last visited Sept. 15, 2011) (periodic site visits or their equivalent are required only if the program awards four or more credits to the fieldwork, or it is otherwise necessary and appropriate). The ABA does require that there be a clearly articulated method of evaluating each student's academic performance involving both a faculty member and the on-site supervisor but again, that need not involve an in-person meeting or even a phone call.

meeting may not make sense within the context of certain programs. I believed that these meetings were valuable to my program, but I struggled to find a pedagogical rationale that fit. And then, I read the Carnegie Report.⁴

The Carnegie Report challenges law schools to be more intentional about teaching law students to formulate a personal professional identity and purpose, since law schools should have a central mission to “form[] . . . competent and committed professionals.”⁵ Law schools should strive to cultivate this professional identity through pedagogies that involve what is known as “formative assessment,”⁶ or feedback along the way, rather than “summative assessment,” typified by the one exam at the end of the semester used in most non-clinical law school courses. Students need to be taught to “become self-conscious . . . and self-directed in their own learning”—a skill referred to as intentional learning.⁷ The Carnegie Report authors also implore law schools to “attend more systematically to the pedagogical practices that foster the formation of integrated, responsible lawyers.”⁸ The mid-semester meeting process offers a pedagogical practice responsive to the Carnegie Report’s challenge.

While the Carnegie Report fails to provide any sort of road map for implementation of these recommendations through externship programs, *Best Practices for Legal Education*⁹ suggests that externship program directors have not focused enough on the value of field placement programs “for studying the values, behaviors, attitudes, and ethical requirements of lawyers (professionalism).”¹⁰ *Best Practices* emphasizes that faculty engagement—with both on-site supervisors and students—is a critical “best practice” for externship programs. Intensive faculty engagement provides a mechanism for implementing the Carnegie Report’s call to action.

Implicit in these two reports is the idea that students cannot become integrated, competent professionals without conceiving of being

⁴ WILLIAM SULLIVAN, ANNE COLBY, JUDITH WELCH WEGNER, LLOYD BOND & LEE S. SHULMAN, *EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW* (2007) [hereinafter *Carnegie Report*].

⁵ *Id.* at 13.

⁶ *Id.* at 171-72 (“[S]tudies of how expertise develops across a variety of domains are unanimous in emphasizing the importance of feedback as the key means by which teachers and learners can improve performance.” In the practice setting (such as an externship) “formative feedback is all-important and specific information can be more valuable than overall judgments of relative competence.”).

⁷ *Id.* at 179.

⁸ *Id.* at 128.

⁹ ROY STUCKEY ET AL., *BEST PRACTICES FOR LEGAL EDUCATION* (2007) [hereinafter *Best Practices*].

¹⁰ *Id.* at 198.

effectively supervised by others as a *skill*, while also having the opportunity to practice that skill. Because law schools have never taught the art of supervising others, lawyers in practice know little about how to supervise.¹¹ Consequently, students must take their supervisors as they find them—not only in the externship context but in summer internships and post-graduate employment. It is incumbent on educators, therefore, to teach students how to get what they need from their supervisors.¹² While in-house clinics offer an intensive supervision model for students, that clinical experience is somewhat controlled because the clinical faculty member is a trained supervisor whose primary function is to educate the student.¹³ Externships, by contrast, offer an optimal opportunity for students to learn the skill of being effectively supervised by another lawyer *not* trained in the art of supervision.¹⁴

¹¹ Although the ABA Standards for the Approval of Law Schools require that a field placement program include “a method for selecting, *training*, evaluating, and communicating with field placement supervisors,” even the most extensive training does not eliminate the need for students to learn to work with different types of supervisors. STANDARDS FOR APPROVAL OF LAW SCHOOLS, *supra* note 3, Standard 305(e)(4) (emphasis added). See Liz Ryan Cole & Leah Wortham, *Learning from Supervision*, in LEARNING FROM PRACTICE, *supra* note 1, at 31, 31 (lamenting that “[j]ust because [lawyers] must [actually] supervise . . . it does not automatically follow that they are good at supervision”). See also *id.* at 22 (noting that “[m]any [lawyers] are able to act instinctively on past learning without thinking step-by-step. [Thus], “[i]n looking at potential externship supervisors, externship teachers and students need to consider the expert’s level of expertise and how well the expert can introduce, explain, or coach the [student] in beginning steps toward mastery”).

¹² See Barbara A. Blanco & Sande L. Buhai, *Externship Field Supervision: Effective Techniques for Training Students and Supervisors*, 10 CLIN. L. REV. 611, 614 (2004) (acknowledging that “[e]ffective supervision is easily inhibited where students are ‘neither expected nor encouraged to participate actively in the process of their practical legal education.’” Accordingly, “[t]he supervisory relationship is hindered because the student assumes no responsibility for structuring the supervision of the externship. Students who passively rely on the direction and evaluation of the supervisor predictably fail to develop valuable lawyering skills such as the ability to ‘identify what they need and how to get it.’”) (quoting Alice Alexander & Jeffrey Smith, *A Practical Guide to Cooperative Supervision for Law Students and Legal Employers*, 29 LAW OFF. ECON. & MGMT. 207, 208 (1998)); see also Cole & Wortham, *supra* note 11, at 31-34 (providing a framework to teach students to “maximize their ability to learn while being supervised in a legal practice setting”).

¹³ See Blanco & Buhai, *supra* note 12, at 612 (“Supervision of students and the training of the supervisors in the in-house model is more closely monitored than in an off-campus externship setting because the ties to the law school vest the in-house supervisor equally in both the educational mission of the law school as professors of students, as well as in the legal mission of the clinic itself in providing competent services to clients.”).

¹⁴ See Liz Ryan Cole, *Training the Mentor: Improving the Ability of Legal Experts to Teach Students and New Lawyers*, 19 N.M. L. REV. 163, 164-168 (1989). Liz Ryan Cole has designed a model for training on-site supervisors or mentors, as she refers to them. Mentors should be selected for their “excellence, their experience, their love of their work, and their passion to convey what they know to others.” This model seeks to ensure that mentors understand that students have varying learning preferences. Mentors are encouraged to provide effective feedback and be invested in the students’ micro and macro planning for their externship experience. Ideally, all of our supervisors would have a chance to

The mid-semester meeting process provides an opportunity to teach several skills critical to the formation of professional identity—first and foremost, the skill of learning to be effectively supervised by others. In addition, the mid-semester meeting process enables students to be self-directed and reflective in their learning,¹⁵ and to obtain formative assessment from their supervisors. Finally, the mid-semester meeting process enables the teaching of another skill essential to the formation of professional identity—the skill of exhaustive preparation—a skill that may or may not be taught in the field.

This article is designed to provide links among the Carnegie Report, *Best Practices*, and the mid-semester evaluation component of an externship program. Part I provides a brief description of the externship program at RWUSOL and the teaching journey that provided the context for this article. Part II focuses on the Carnegie Report's description of what it dubs the "apprenticeship of professional identity"¹⁶ and the accompanying need for law schools to utilize formative, rather than summative, assessment.¹⁷ Part II also focuses on the call in *Best Practices* for greater faculty engagement with both students and supervisors. Part III analyzes the mid-semester meeting process through the lenses of both the Carnegie Report and *Best Practices*. Using examples drawn from real experience, I illustrate the ways that the mid-semester meeting process can contribute to the development of professional identity formation.

It is my hope that this article will promote a discussion among

participate in this extensive training program, but the reality is that they do not.

¹⁵ While some externship directors communicate with externship supervisors without the student present, I believe that the student's presence is critical. Even some students in primary grades are now learning to take responsibility for their own learning and have a seat at the table in the parent-teacher conference. See Karen Ann Cullotta, *The Parent-Teacher Talk Gains a New Participant*, N.Y. TIMES, Dec. 28, 2008, at A23 ("Student-led conferences are gaining ground at elementary and middle schools nationwide," said Patti Kinney, an associate director for middle-level services at the National Association of Secondary School Principals in Virginia.)).

¹⁶ The Carnegie Report discusses three apprenticeships, which are referred to as the "signature pedagogies" necessary to "prepar[e] students for the complex demands of professional work—to think, to perform, and to conduct themselves like professionals." Carnegie Report, *supra* note 4, at 27, 132. The first apprenticeship is "intellectual or cognitive", which "focuses the student on the knowledge and way of thinking of the profession"; the second apprenticeship deals with "practice-based kind of learning"; and the third apprenticeship, which is the focus of Part II, has an "essential goal" of "teach[ing] the skills and inclinations, along with the ethical standards, social roles, and responsibilities that mark the professional." *Id.* at 28.

¹⁷ The Carnegie Report criticizes summative assessment (such as an end-of-the-semester final exam) since "its after-the-fact character forecloses the possibility of giving meaningful feedback to the student about progress and learning. In contrast, formative assessment provides [ongoing] feedback [which] support[s] opportunities to improve learning as the course proceeds." *Id.* at 164.

clinicians about the teaching of professional identity formation, the incorporation of formative assessment into externship programs, and quality faculty engagement through a mid-semester self-evaluation process or other pedagogical practices. The tricky cost-benefit analysis that inevitably drives the design of most externship programs compels us to find an informed rationale that considers the value of this mid-semester meeting process.¹⁸ In addition, I hope that this article will provide a useful model for thinking about the structure of this tripartite relationship (between the on-site supervisor, the faculty member, and the student) for in-house clinicians either working in partnership with attorney supervisors in the field or employing a hybrid clinic model.¹⁹

I. THE RWUSOL JOURNEY

After five years as an in-house clinician at other institutions,²⁰ I became the director of the Externship Program at RWUSOL.²¹ When I inherited this program from my predecessor mid-year, the program involved on-site meetings with the supervisor, student, and faculty member for a final evaluation process at the end of each semester. I remember well the pain of an early meeting where a student received

¹⁸ Each Externship Director must inevitably evaluate the existing resources in a given program before deciding on a program design. The mid-semester meetings essentially limit the number of students in an externship program if the available faculty members are limited and if the meetings are costly in terms of available time and money. While my placements are all within driving distance, other programs are able to allocate spending to fly faculty members to visit students around the country or even abroad.

¹⁹ See Margaret A. Tonan, *Beauty and the Beast? Hybrid Prosecution Externships in a Non-Urban Setting*, 74 Miss. L.J. 1043, 1047-49 (2005) (stating that hybrid programs provide students with supervision from full-time clinicians and lawyers outside the office. As such, "the most important ingredient of the hybrid model is the shared supervision of students by both a faculty supervisor and a practitioner."). See also Leah Wortham, *The Lawyering Process: My Thanks for the Book and Movie*, 10 CLIN. L. REV. 399, 445 (2003) (defining a hybrid model as "when law school faculty assume full or partial responsibility for case supervision in an external placement" because it "blends features of an in-house and external clinic."); Margaret Martin Barry, Jon C. Dubin & Peter A. Joy, *Clinical Education for this Millennium: The Third Wave*, 7 CLIN. L. REV. 1, 28 (2000) (discussing a hybrid model in both in-house and externship programs as a program where in-house faculty work closely with the supervising lawyers).

²⁰ I spent three years as a clinical teacher in an interdisciplinary Prisoners and Families Clinic at Columbia Law School from 1995-1998. I then worked as a staff attorney in a School-Based Legal Services Clinic at Rutgers-Camden School of Law from 1998-1999, and in a Juvenile Rights Advocacy Project at Boston College Law School from 1999-2000. I became the Externship Director at Roger Williams University School of Law in 2001.

²¹ My program is limited to 30 students each semester. The students are equally divided between the public interest program and the judicial program. Students work two to three days each week in the field, take a co-requisite seminar, and receive a total of six to eight credits. Students receive four to six credits for the field work and two graded credits for the seminar.

negative feedback from a supervisor. Neither the student nor I was prepared for it, and because the semester was over, there was literally nothing that could be done to correct it. The student was demoralized, and I felt like I had served no purpose other than to bear witness to an awkward and uncomfortable conversation. While a final meeting structure may work for many externship directors, it didn't work for me and I resolved to redesign the meeting process.

That first summer, I completely redesigned the program. I determined that my goal for the program would be to teach students to be self-directed learners and reflective practitioners, and I crafted the other course components accordingly.²² Students were encouraged to take responsibility for their own learning in a multitude of ways: by developing their own goals for the experience,²³ by exploring their own strengths and challenges at the beginning of the semester, by creating learning plans to maximize their abilities to achieve their goals,²⁴ by crafting their own educational experiences within the limits of their settings and supervisors' needs, and by gaining the ability to assess their own learning systematically throughout the semester.²⁵ Most significantly, I changed that final meeting to a mid-semester meeting and placed the burden for evaluation—or rather for *self-evaluation*—on the student.²⁶ At least the student would have some control over the content of the meeting, and the supervisor and I would be somewhat prepared for what might happen.

²² See Mary Jo Eyster, *Designing and Teaching the Large Externship Clinic*, 5 CLIN. L. REV. 347, 352 (1999) (acknowledging that curricular choices and program design must be dependent on the goals of the program); see also Ogilvy, *supra* note 1, at 2.

²³ See Leah Wortham, *Setting Goals for the Externship*, in LEARNING FROM PRACTICE, *supra* note 1, at 16-17 (advising externship students that they should develop a "Goals Memo" that "push[es] [students] to think about what [they] want from the externship and what kinds of experiences might lead [them] to those goals").

²⁴ See J.P. Ogilvy, *Guidelines with Commentary for the Evaluation of Externship Programs*, 38 GONZ. L. R. 155, 166 (2003) (using the term "individualized learning plan" to highlight that each student's goals for her externship placement will be different, and that each student needs to engage in self-assessment to think about how his or her own goals are being met.).

²⁵ See *id.* at 171 ("To ensure that the externship program is providing educational value to the student, the program should require each student to identify goals, objectives, and realistic outcomes for the student's experience. . . . The student should have the primary responsibility for monitoring and assessment of progress toward meeting the[se] goals and objectives").

²⁶ See Anahid Gharakhanian, *ABA Standard 305's Guided Reflections: A Perfect Fit for Guided Fieldwork*, 14 CLIN. L. REV. 61, 86 (2007) (discussing the importance of guided self-reflections as a component of an externship program, which optimizes students' learning from their fieldwork experience); Blanco & Buhai, *supra* note 12, at 612 (discussing the importance of students taking an active role in their own learning outside the classroom); Eyster, *supra* note 22, at 352 (stating that students must take responsibility for their own learning); Wortham, *supra* note 23, at 16-17 (urging student externs to engage in self-direction as they think about their goals, and how they will implement these goals).

I returned in the fall reinvigorated and ready to make this program—and especially these meetings—work. Yet, despite the fact that the meetings now had some structure, I continued to be skeptical about the entire meeting enterprise primarily because of my background. In my former life, as a practicing public interest lawyer²⁷ who had supervised loads of law students (both for credit and not) I had never once had a professor visit with me to discuss the student's progress, nor would I have wanted to receive such a visit. Frankly, I had no idea whether the students working in my office were receiving credit or not, nor did I care. I barely knew where they went to law school. I certainly didn't know anything about their professional or educational goals. I just wanted to get as much work out of my students as humanly possible, and if the spark didn't appear during those first few days, I would give them a big old research project and wait for the semester to end.²⁸ When my students were great, I gave them enormous responsibility, brought them with me everywhere,²⁹ and loved having the energy, passion, and brashness of a burgeoning public interest lawyer to reinvigorate my practice.³⁰ I would have considered the faculty member at the law school to be a complete outsider to both the inner-workings of my practice and to the rationale for the projects assigned to my students. I suspect I would have assumed that the faculty member was in some way checking up on me³¹ and resented the fact that she had the luxury of time not only to pay me a visit but to reflect on *my* supervisory relationship with the student. I certainly didn't care or even think about any of the real educational and professional goals of the externs until I became a clinical teacher and, subsequently, an externship director.

I carried these biases into my early mid-semester meetings. Overly identifying with the stressed-out public interest lawyers in the trenches who doubled as extern supervisors, I strove to be as efficient as possible in my communications with these supervisors and not

²⁷ I represented children at the Juvenile Rights Division of the Legal Aid Society in New York City and also worked as a public defender and team leader at the Neighborhood Defender Service of Harlem.

²⁸ See Cole & Wortham, *supra* note 11, at 33 (arguing that "many lawyers avoid supervision as much as they can").

²⁹ We used to joke at Legal Aid that when we stopped to talk to someone in the hallway, our externs would literally bump into us because they were shadowing so closely.

³⁰ I remember often getting the question "Why do you do it that way?" to which I would usually respond: because someone told me to do it that way, but I really don't know. And then the intern would invariably come up with some refreshing alternative.

³¹ See Carnegie Report, *supra* note 4, at 25 ("[T]he transition from on-the-job training by practitioners to instruction carried out far from the sites of professional practice and by full-time educators has transformed professional life. . . . But it has also bequeathed a legacy of crossed purposes and even distrust between practitioners and academics. . . .").

waste their valuable time. Like a good cross-examiner, I just wanted to “get in and get out.” My pedagogical goals were not well-defined, and I really did not know what I wanted to achieve at these meetings, much less what these meetings might actually offer my students. I knew that I probably *should* meet with my students and their supervisors, but I hadn’t thought through, with any clarity, the structure, preparation, mechanics, and formula for such meetings. With a lack of preparation, I had little control over what happened. As a consequence, my early meetings craved a more intentional approach.

As a dutiful experiential learner myself, though, I acquired wisdom over time about the design of these meetings. With rare exceptions, something valuable usually happened at each meeting: miscommunications between the student and supervisor were clarified, students received assignments more in line with their educational and professional goals, logistical issues were aptly addressed, and the communication provided a unique opportunity for the supervisor and the student to learn more about each other on both professional and personal levels. But still, the primary purpose seemed to be getting folks together to facilitate clear communication. My presence forced the meeting to occur, and there was value in the formality of a three-way meeting about the student’s performance, but I puzzled over my role. What value was added by my presence? Did I really need to be there? How could these meetings be more educational for the students? In struggling to find the meaning underpinning these mid-semester meetings, I sketched numerous different blueprints for them and tested various models and techniques literally each semester. I longed for the wisdom of some experienced clinical authority to prescribe the exact formula for the entire mid-semester meeting process. While convinced that the meetings were important to students on a variety of educational levels, I continued to struggle with the time commitment and could not shake my ambivalence until I read the Carnegie Report.

II. THE CARNEGIE REPORT’S THEORETICAL FRAMEWORK

The Carnegie Report urges law schools to combine the teaching of theory, practice, and professional identity so that young lawyers have the foundations to become competent, self-reflective members of the profession.³² “One essential goal of professional schools must be to form practitioners who are aware of what it takes to become competent in their chosen domain and to equip them with the reflective

³² Carnegie Report, *supra* note 4, at 13.

capacity and motivation to pursue genuine expertise.”³³ While the Carnegie Report authors paid scant attention to the pedagogy of externships,³⁴ their description of the apprenticeship of professional identity and purpose seems tailor-made for externship programs.³⁵

The concept of professional identity formation in law students, as defined by the Carnegie Report’s authors, is quite broad. It encompasses first and foremost several obligations: the responsibility for individual clients, the law, and its values,³⁶ the sense of public responsibility embedded in the profession,³⁷ and a responsibility toward the integrity of the profession as a whole.³⁸ Professional identity formation also speaks to the combination of not only ethical rules but also broader spheres of morality and character;³⁹ the elementary lessons of honesty and integrity;⁴⁰ the basic tenets of client relationships (trust, respect, consideration, and responsibility);⁴¹ and the consideration of individual and social justice goals,⁴² including an understanding of the inherent conflicts within the lawyer’s role.⁴³ This apprenticeship of professional identity also includes several other components that contribute to the formation of the “integrated, responsible”⁴⁴ lawyers-to-be that the Carnegie Report urges law schools to produce. The Carnegie Report authors suggest that the teaching of the development of professional judgment cannot be “abandoned to chance” by law school educators.⁴⁵ The development of professional identity and judgment must enable students to reflect on the personal meaning of their chosen legal path⁴⁶ and teach them to be self-directed about their own evolution as legal professionals.⁴⁷ Further, this task enables

³³ *Id.* at 160-61.

³⁴ *Id.* at 120 (stating that the research did not directly entail “observing students in field placements or externships”).

³⁵ See Kelly S. Terry, *Externships: A Signature Pedagogy for the Apprenticeship of Professional Identity and Purpose*, 59 J. LEGAL EDUC. 240, 243 (2009) (suggesting that externship programs may be the “signature pedagogy” for the Carnegie Report’s third apprenticeship of professional identity and purpose).

³⁶ Carnegie Report, *supra* note 4, at 125.

³⁷ *Id.* at 129.

³⁸ *Id.* at 132.

³⁹ *Id.* at 129.

⁴⁰ *Id.* at 130.

⁴¹ *Id.*

⁴² *Id.* at 132.

⁴³ *Id.*

⁴⁴ *Id.* at 128.

⁴⁵ *Id.* at 115.

⁴⁶ *Id.* at 135, 156.

⁴⁷ *Id.* at 85; see also Kenneth M. Sheldon & Lawrence S. Krieger, *Understanding the Negative Effects of Legal Education on Law Students: A Longitudinal Test of Self-Determination Theory*, 33 PERSONALITY & SOC. PSYCHOL. BULL. 883, 885 (2007) (discussing the importance of embracing student self-determination and autonomy); Joshua E. Perry,

students to learn from relationships with inspirational professionals.⁴⁸

And yet, while the description of this apprenticeship seems to include virtually every skill or trait that could conceivably be part of professional identity formation, the Carnegie Report authors never focus explicitly on teaching students the skill of learning to be effectively supervised by others. This lifelong skill—fundamental to the student's ability to learn from practice and develop her own sense of professional identity—is distinct from the skills of self-direction and self-reflection that the Carnegie Report finds to be so essential. Law students and lawyers rarely have the opportunity to choose their direct supervisors, and the ability to obtain guidance, direction, and wisdom from *any* supervisor is a skill that must be developed. For instance, the organized student with the brilliant but scattered supervisor will need to find a way to ensure that she knows the work priorities and deadlines and gets the feedback she needs in a timely manner. Likewise, the scattered student will need to find a way to work within the structure created by the orderly, meticulous supervisor. It is ultimately the supervisee's responsibility to make the relationship not only functional but effective.

While in-house clinical programs provide excellent, all-encompassing supervision from experienced clinicians who are trained educators, externship programs require students to obtain quality supervision from a variety of different lawyers who are understandably not focused primarily on the education of law students. Externship students are required to be more proactive about seeking supervision⁴⁹ and must often be primarily responsible for ensuring that they receive the supervision they crave and need.⁵⁰

Thinking Like a Professional, 58 J. LEGAL EDUC. 159, 164 (2008) (stating “[w]e must be about teaching legal skills, knowledge, and theories, but also about encouraging our students to reflect, explore, and develop a deep awareness of the intersection between who they are as a person and who they are becoming as a professional”).

⁴⁸ Carnegie Report, *supra* note 4, at 146-7 (“[W]hen students form relationships with professionals who inspire them, they can internalize new images of what they want to be like more deeply and vividly.”); see also Daisy Hurst Floyd, *Lost Opportunity: Legal Education and the Development of Professional Identity*, 30 HAMLINE L. REV. 555, 563-64 (2007) (“Students who have opportunities to hear from lawyers about their experiences report a broadening of their expectations and hopes for their future lives as lawyers. Students are reassured by hearing lawyers discuss their own successful searches for meaning in their professional lives, and for achieving balance and integration of their professional and personal lives. They are relieved to hear professionals talk of dealing with fear, and of making mistakes and correcting them.”). See also Bridget McCormack, *Teaching Professionalism*, 75 TENN. L. REV. 251 (2008).

⁴⁹ See *supra* note 12 and accompanying text.

⁵⁰ Cole & Worthman, *supra* note 11, at 40 (noting that “[r]eceiving feedback on our work and incorporating what we have learned from that feedback is one of the most common ways we learn from experience”).

Teaching the invaluable skill of learning from the supervisory relationship—which presumably falls within the rubric of self-directed learning—should be an explicit goal of the professional identity apprenticeship. Students and lawyers need to embrace the role of supervisee⁵¹ as it is one they will most likely have for decades. While students may develop aspects of this skill through their summer internships, an institutionalized externship program provides the only opportunity within the law school curriculum for a faculty member to help a law student navigate this supervisory relationship with an outside lawyer or judge. The mid-semester meeting is an integral part of this journey equipping students with the opportunity to formally engage in explicit dialogue with the supervisor regarding their work, goals, and professional growth.⁵²

In addition, the externship faculty member enjoys a privileged relationship with the student because the only goal of this relationship is the student's education, whereas the on-site supervisor has a primary allegiance to the client and the legal work.⁵³ The mid-semester process provides an exceptional opportunity for the faculty member, who does not bear the burden of any responsibility for the legal work, to help the student reflect on this experience. The on-site supervisor, by contrast, has a clouded loyalty to the student because the legal work and the organization or client's mission must always come before the student's educational growth. The on-site supervisor cannot focus solely on the student without also worrying about the quality of the legal work being provided to the client. Likewise, the in-house clinician, despite the fact that the educational goal is perhaps equally as important as the legal work,⁵⁴ must, at the end of the day, get the legal work done and fulfill the ethical responsibility to the client.⁵⁵ In-

⁵¹ See Blanco & Buhai, *supra* note 12, at 639 (noting that “the process of good lawyering is about revisiting the same issues from different angles and asking questions over and over until the root of the issue is exposed. It is about being open to the learning process and finding solutions through open-mindedness, creative thinking and, above all, communication. It is not about being right all of the time. Students, just like good lawyers, need to expect to move beyond the ‘comfort zone’ in approaching legal tasks, letting go of the strongly imbued law school fear of being wrong in the law school classroom”).

⁵² While certainly this dialogue could happen without the faculty member present and without a designated mid-semester meeting, the explicit focus on the formality and structure of this meeting ensures that the intended dialogue is more likely to happen.

⁵³ See Blanco & Buhai, *supra* note 12, at 612 (pointing out that “the primary concern of the supervising attorney must be the work of the agency or judicial chambers, while the concern for the education of the field extern must by nature be a secondary goal”).

⁵⁴ See, e.g., David F. Chavkin, *Am I My Client's Lawyer?: Role Definition and the Clinical Supervisor*, 51 SMU L. REV. 1507 (1998).

⁵⁵ See George Dritchlow, *Professional Responsibility, Student Practice, and the Clinical Duty to Intervene*, 26 GONZ. L. REV. 415, 416 (1990) (“The clinical teacher will face role confusion and professional conflict when his or her assessment of what is educationally

house clinicians are trained to find as many “teachable moments” for students as possible.⁵⁶ Yet, many of these teachable moments present themselves in times of imminent deadlines. The in-house clinician’s responsibility to the client must take precedence, regardless of how this may detract from the student’s ability to participate fully.⁵⁷ As a former in-house clinician, I found that while I might try to be empathetic and understanding to the overwhelmed, struggling student who had just dumped a brief in my lap in the eleventh hour, I really could never help her work through her issues until I had first completed the work and fulfilled the responsibility to the client.

The pedagogical purity of the relationship between the externship student and the faculty member is one that is not easily replicated. The externship faculty member—having literally no responsibility for the client or legal work nor any confidential knowledge about the work-product—can focus solely on the student and her concerns without any distraction.⁵⁸ While externship faculty members do, of course, hope that students perform well in their externships and, at the very

productive for the student collides with the teacher’s assessment of professional obligations owed to the client.”).

⁵⁶ See Jennifer A. Gundlach, *This is a Courtroom, Not a Classroom: So What is the Role of the Clinical Supervisor*, 13 CLIN. L. REV. 279, 289 (2006) (“Because clinical supervisors are responsible for students enrolled in a clinical program under their supervision, they are obligated to evaluate how best to facilitate the educational experience for their students not only in the classroom, but in the courtroom and other practice settings in which their students appear.”).

⁵⁷ The basic precepts of legal ethics demand that the client receive competent representation. However, there seems to be no uniform bright line where clinical teachers deem it necessary to take the reins away from the student. See Peter A. Joy & Robert R. Kuehn, *Conflict of Interest and Competency Issues in Law Clinic Practice*, 9 CLIN. L. REV. 493, 520 (2002) (stating that “[w]hen clinical faculty have a client-attorney relationship with clinic clients as co-counsel with student-lawyers, the clinic faculty have a duty of care enforceable in a legal malpractice action to provide competent and diligent representation to the clinic client”); see also Dritchlow, *supra* note 55, at 441 (“Some clinical teachers will emphasize their role as teachers and intervene only when necessary to prevent irreparable harm to the client. Others will interpret their role as lawyer as requiring more proactive direct intervention when the student’s performance is minimally competent but seriously departs from the way the teacher would perform the particular lawyering activity.”).

⁵⁸ See Alexis Anderson, Arlene Kanter & Cindy Slane, *Ethics in Externships: Confidentiality, Conflicts and Competence Issues in the Field and in the Classroom*, 10 CLIN. L. REV. 473, 544 (2004) (noting that “because of their distance from casework . . . externship faculty are uniquely positioned to focus on student needs, facilitate reflection about ethical issues, and encourage the kind of systemic critique that will encourage students . . . to maximize the educational value of the time spent at their placements”); Jane Motley, *Self-Directed Learning and the Out-of-House-Placement*, 19 N.M. L. REV. 211, 223 (1989) (“Not being responsible for the direct supervision of cases, [the faculty member] ha[s] more time to consider reflectively the work being performed. Because the students are not working on a case directly with the faculty member, they are more open to discussions about their learning processes, their office relationships, their anxieties and uncertainties, than they might be with their [on-site] supervis[ors].”).

least, not hinder the mission of the organization or the judiciary, the allegiance is exclusively to the educational and professional growth of the student.⁵⁹ There is a rare opportunity to help the student navigate a complex relationship or work situation without the burden of the legal work. Now, when the over-committed student who has failed to complete the brief for her supervisor breaks into tears in the faculty member's office, that professor can be present and help the student to analyze how she ended up in this predicament. The task of processing the student's problem can be more streamlined when the professor does not also have to worry about writing the brief over the weekend. Managing competing commitments and prioritizing work are professionalism skills that our students need to learn. As externship faculty members, we can help our students work through these issues—in context—so they can develop strategies before their own clients suffer the consequences. And we can help them streamline their priorities, hopefully, before too much damage is done to the supervisory relationship.

The Carnegie Report authors also critique the single exam protocol—known as summative assessment practices—of most law schools that grade students based on one lengthy test at the end of the semester. This practice essentially “foreclose[s] the possibility of giving meaningful feedback to the student about progress and learning”⁶⁰ during the semester. By providing “no navigational assistance . . . until the voyage is over . . .”⁶¹ law schools forfeit a valuable teaching opportunity to provide students with the feedback they need to develop their own self-assessment abilities. Thus, the goal of professional schools “must be to form practitioners who are aware of what it takes to become competent in their chosen domain and to equip them with the reflective capacity and motivation to pursue genuine expertise.”⁶² The mid-semester meeting process responds to this critique by modeling and instilling a process for feedback throughout the externship voyage rather than just at the end of the experience with a final evaluation.

The Carnegie Report authors suggest that law schools “institutional[ize] a culture of intentional learning.”⁶³ While the institutionalization goal is far beyond the scope of this article, an externship

⁵⁹ Of course, there is tremendous value for my students in ensuring that the law school continues to have productive relationships with these public interest offices and judges, but focusing on the student's educational development does not conflict with that long-term goal.

⁶⁰ Carnegie Report, *supra* note 4, at 164.

⁶¹ *Id.* at 164-65.

⁶² *Id.* at 173.

⁶³ *Id.* at 164.

program provides students an ideal opportunity to engage in intentional self-directed learning in practice. Because externships often require students to set their own distinct learning goals and plan a course of action to achieve these goals, students must learn the skill of assessing their own strengths, weaknesses, and abilities to meet challenges in light of their individual goals for their externships.⁶⁴ Students must then be able to effectively communicate their goals to their supervisors and be able to evaluate both their work product and the progress of their greater educational and professional goals, with the help of both placement supervisor and faculty member, along the way. The Carnegie Report authors underscore the importance of the work done by Professor Roy Stuckey and others in *Best Practices* arguing that “[students] need practice accompanied by informative feedback and reflection on their own performance.”⁶⁵ Moreover, the “guidance and feedback that students receive in experiential education courses influences the quality of the experience more than any other component.”⁶⁶ Further, students need to develop “ongoing habits of self-assessment” in order to integrate this feedback into their future performance.⁶⁷

Thus, an integral component of this self-directed, intentional learning piece, is that students need feedback—or formative assessment—not only about their legal work, but also about their ongoing self-assessment skills. We can teach students to be self-reflective but without a reality check on the accuracy of their self-assessments, we are squandering an opportunity to provide the navigational assistance that students need in the midst of this journey to become self-directed, reflective, and competent professionals. While in-house clinical programs readily provide that opportunity because the clinician is both the faculty member and the supervising attorney, in externship programs, the faculty member cannot ensure this reality check without collaborating with the direct supervisors. The mid-semester meeting provides an optimal opportunity for the three players to come together to focus not only on the student’s progress but also on the student’s ability to accurately assess her work and to further determine what she needs to do to improve.

In weaving together the apprenticeships with the need for formative assessment, the Carnegie Report authors suggest the following:

⁶⁴ See Beryl Blaustone, *Teaching Law Students to Self-Critique and to Develop Critical Self-Awareness in Performance*, 13 CLIN. L. REV. 143, 152-53 (2006) (indicating that “the development of a capacity to engage in reflection enables a professional to move from novice to expert”).

⁶⁵ Carnegie Report, *supra* note 4, at 146 (citing *Best Practices*, *supra* note 9, at 21).

⁶⁶ *Best Practices*, *supra* note 9, at 175.

⁶⁷ Carnegie Report, *supra* note 4, at 145-46.

The goal has to be integration into a whole greater than the sum of its parts. Assessment of students' learning and growth needs to be consistent with the goals of this integration: professional judgment and the ability to continue to learn and develop toward the highest standards of the legal profession. . . . [Further,][t]he assessment must take place *in role* rather than in the more detached mode that law-of-lawyering courses typically foster.⁶⁸

The mid-semester meeting process offers a rich opportunity to test the teachings of the Carnegie Report by providing a curricular and contextual opportunity for students to explore both the apprenticeship of professional identity formation and the complexity of the supervisory relationship. These meetings also afford students a unique opportunity to receive real-time assessments about their performances as professionals-in-training, to articulate their own assessments of their progress, and to receive formative assessments from their supervising judges or lawyers about their skills at self-evaluation. Students can then process this meeting with the faculty member focused solely on the student's development as a professional.

In addition, *Best Practices* repeatedly emphasizes the need for faculty engagement in externships. Externship faculty members are encouraged to engage with supervisors around issues of student progress, educational standards, and self-reflection. Likewise, faculty members are encouraged to create opportunities to engage with students throughout the semester to ensure the quality of student experiences.⁶⁹ The mid-semester evaluation process enables an engaged faculty member to work together with the supervisor and student around the student's self-reflection abilities in a supportive environment. The different layers of the process can provide richness for the student in a multitude of ways.

According to *Best Practices*, externship faculty members should make it clear to on-site supervisors that they are expected to "model the reflective and conscientious practitioner and welcome the questioning of aspects and techniques of practice."⁷⁰ While the ideal on-site supervisor will, indeed, model the reflective and conscientious practitioner, many cannot be expected to model that type of exactness. Supervisors have too many competing demands on their time and, in fact, much of the value added for students is the real-world perspective. Students learn that practitioners may not always be reflective and conscientious in the moment. Likewise, even the consummate supervisor may not be able to share all of that reflection with her

⁶⁸ *Id.* at 178 (emphasis added).

⁶⁹ *Best Practices*, *supra* note 9, at 205.

⁷⁰ *Id.* at 202.

part-time extern.⁷¹ In fact, students often learn lessons that the externship faculty member needs to temper or modify—for instance, when supervisors get forced into trials they weren't expecting and judges deny their requests for adjournments. Students need to be taught that just because a supervisor was able to perform well and possibly even win that trial does not mean that “winging it”⁷² is a practice to be emulated. Externship faculty members struggle to teach these lessons without undermining the supervisor's value as a role model. That is the delicate dance that externship faculty members often perform: trying to ensure that students are appropriately respectful and deferential to supervisors but also feel empowered to critique the model of practice when reflecting upon what they have learned.⁷³

The planning demanded for the mid-semester meeting itself enables the modeling of the exhaustive preparation that legal practice requires. While admittedly within the context of a professional meeting on which no client's home, child, or liberty is depending, these preparation lessons hopefully translate to the legal work. In addition, the absence of any stressors about the legal work enable a concentration and focus exclusively on preparation that arguably enhance the student's learning. This is one area of the externship program for which externship faculty members can prescribe the quality of the work product and be demanding. I remember fondly in-house clinical students who would have an inconsequential court appearance and bemoan the fact that all the preparation was a waste since nothing much seemed to happen in court. Convincing the student that nothing untoward happened in court precisely *because* of the extensive preparation was often an uphill battle. Teaching students that lawyering is not primarily about skill and talent but hard work and thorough preparation is a monumental undertaking and one that can be challenging in the externship setting. The mid-semester meeting process enables

⁷¹ See Cole, *supra* note 14, at 165 (acknowledging that while many attorneys may be experts in their areas of concentration, and know how to “get things done,” mentors must also be “exceptional teachers” and know “how to convey their fund of knowledge to the students in an effective and useful fashion”).

⁷² I certainly do not mean to imply that any of the supervisors in our program would ever actually “wing” a trial; however, students may perceive and interpret a supervisor's ability to conduct a hearing or trial that they did not expect to go forward as merely “winging it” without understanding that the reason the supervisor was able to react and perform under pressure was precisely because of the preparation, experience, and skill of that supervisor.

⁷³ Certainly, if I have concerns about the quality of practice or supervision being performed by a particular lawyer, I will intervene or discontinue that placement. My comments above reflect practice that is well within the bounds of ethical and competent lawyering.

us to teach students that the thorough preparation for the meeting is essential and valuable precisely because it helps to ensure that they are ready for anything, even if many of the specific events they may have prepared for never actually occur. Preparation is not only valuable if each aspect of it is literally used; the process of thorough preparation enhances whatever performance the circumstances end up demanding. It's not about whether students actually "use" every bit of preparation. Rather, it is an understanding of the value of preparation that students need to carry with them into the practice of law.

III. THE CARNEGIE LESSONS IN PRACTICE

In the same way that the Carnegie Report encourages legal educators to be more intentional in our efforts to teach law students to become competent and committed professionals,⁷⁴ we, as educators, need to teach law students to become more intentional about their ongoing professional development and specifically about developing effective relationships with their supervisors. By imposing a structured process of preparation for the meeting—preparation of a written self-evaluation,⁷⁵ clear goals for the meeting,⁷⁶ and a process for reflecting on the meeting at the end⁷⁷—an engaged faculty member can model and teach students to be deliberate and thoughtful in their interactions with their supervisors. The mid-semester meeting has been an essential component of the program at RWUSOL for the past ten years. Several of the educational goals described in the Carnegie Report's apprenticeship of professional identity and purpose can be accomplished through this mid-semester process.

While the settings and contexts for the meetings vary drastically, they all share a few essential components. For a brief period of time,⁷⁸ the student, supervisor and faculty member are focused exclusively on the student's educational goals and learning in the externship. While the student and supervisor have hopefully had numerous other meetings in which they focused on the organization's work and the best way for the student to accomplish her tasks, the mid-semester meeting provides a rich opportunity that certainly should not replace any less formal meetings, but rather, should supplement the supervisor and

⁷⁴ See Carnegie Report, *supra* note 4.

⁷⁵ See Mid-Semester Self-Evaluation form attached as Appendix A.

⁷⁶ See Mid-Semester Meeting Preparation Reflection attached as Appendix B.

⁷⁷ See Mid-Semester Meeting Debrief Reflection attached as Appendix C.

⁷⁸ While supervisors are asked to block out 20-30 minutes for the mid-semester meeting, some meetings last only ten minutes while others last one hour. More time does not necessarily mean that more learning takes place. Supervisors have different styles and different ways of communicating, and sometimes the shortest meeting is far more valuable than the long meeting.

student's communication.⁷⁹ The mid-semester meeting may in fact be the only opportunity for the pressures of impending deadlines and other distractions to momentarily subside so that the two professionals, the on-site supervising attorney or judge and the faculty member, can focus with the student solely on the educational endeavor and the student's progress.

Thus, the meeting signals that the spotlight⁸⁰ is entirely on the student and her educational endeavor. Whether sitting in a judge's chambers in comfortable leather chairs with soft lighting from low green lamps or perched on a grimy bench in the back of criminal court at the end of a calendar call, the three players have only one focus: the student. The formality of a scheduled, on-site meeting requires everyone to be prepared: the student must draft, edit, and revise the self-evaluation with feedback from the faculty member, the supervisor must read it in advance of the meeting and be prepared to respond to it, and the faculty member must be prepared to facilitate the meeting after understanding the student's goals for the meeting. Again, while the student and supervisor hopefully explore these evaluative and professional identity issues on their own throughout the semester, the insertion—perhaps intrusion—of the faculty member into the process adds to the educational value for the student. In addition, the faculty member can help the student to showcase an entirely different skill—namely her ability to be reflective and introspective. By producing a well-written, thoughtful, insightful self-evaluation, a student who may not be as innately talented or skilled as other externs may demonstrate to the supervisor that she has insight about her limitations and plans for improvement.

And so, in preparation for the meeting, the student is required to think about this undivided attention and how she plans to use it. What does she want to accomplish? What are her goals for this meeting? To continue the focus on self-directed learning, the burden for

⁷⁹ Cf. Brooke Baker, *Learning to Fish, Fishing to Learn: Guided Participation in the Interpersonal Ecology of Practice*, 6 CLIN. L. REV. 1, 31 (1999) (noting that mere implicit or environmental feedback can also prove valuable to the student, such as an "assignment [completed by the student that is] accepted and used [by the supervisor] without comment").

⁸⁰ For a few years in the late 1990s, Professor Martha Rayner, now a clinician at Fordham Law School, and I taught Arraignment Training at the Neighborhood Defender Service of Harlem. In that training, Martha described the arraignment as the most critical phase of a criminal case not only because of the decision about whether the defendant will be at liberty or incarcerated, but because for the first time the defendant will see his lawyer fight for him. Martha encouraged young lawyers to think of an arraignment as a performance where all eyes are on the stage, the drums roll, the curtains open, and the spotlight shines on the lawyer and her client. I like to think of the mid-semester meeting in the same way. Finally, all that anyone is focused on is the student's learning. Even if it only lasts ten minutes, that is a valuable use of everyone's time.

determining the content of the meeting must be primarily on the student. Often students have no idea what they want to accomplish and would prefer not to have this meeting. Students will often communicate to me that they think everything is going well and there's no reason for a meeting. Nevertheless, students are required to develop concrete goals for the meeting. I often suggest several: Do you know how you're doing? Do you know what your supervisor thinks of your work? Have you received explicit feedback on your written work? Is there work that you had hoped to get that you have not yet received? Have you asked your supervisor about your career path or what types of clerkships you should apply for? Do you know whether your supervisor is willing to write you a recommendation for future employment? Have you asked for networking ideas?

I conduct an individual conference with each student prior to our ultimate meeting with the supervisor. In these conferences, each student must articulate an exacting plan for the meeting. In preparation each student completes a written self-evaluation for my review and it is often revised several times before it gets submitted to the supervisor. The self-evaluation starts with a list of all the work the student has accomplished to date at her externship. While it may seem like a simple task, the student learns that she is responsible for keeping track of everything she has accomplished. Most supervisors will not keep meticulous files about each supervisee's tasks and accomplishments. This skill involves a student quantifying what she has accomplished—including all written work, court appearances, client interviews, projects, and observation activities—and translating this content into a document that is easy for the supervisor to read and digest.⁸¹ The process of preparing this evaluation empowers the student to take stock of the work she has accomplished, to meaningfully evaluate this work, and to figure out what she still hopes to achieve in terms of different and more challenging assignments at the externship.

Preparation for the meeting also forces the student to begin to develop the ongoing self-assessment skills that the Carnegie Report wants students to practice. The student is required to think carefully about what she has learned and about her progress in meeting her goals. It is the student's responsibility to evaluate her performance in the externship and to identify the ways in which her performance can improve. The student must reflect on her ability to be effectively supervised and think about whether there are ways for her to strengthen

⁸¹ The student is responsible for ensuring that her supervisor or judge has a copy of it two days in advance of the meeting. The goal is to minimize the burden on the supervisor so that the only requisite preparation is to read the evaluation, think about it, and share reflections in a brief meeting.

the supervisory relationship. The student hopefully learns that she is as responsible as the supervisor, *if not more*, for the success of the supervisory relationship, and ultimately the externship experience itself. A student learns that while she cannot dictate the terms of the relationship or the work that will be assigned, she can certainly clarify her expectations about what she hoped she might be able to learn and ask, in a respectful way, for more challenging or different work. As the illustration below demonstrates, a student needs to be thoughtful about the way to present such a request in a meeting.

Danielle⁸² had complained in class that her supervisor had foisted a time-consuming filing project on her. She talked in class about the fact that she planned simply to avoid the filing project and work on her other assignments. We spent an inordinate amount of time in class with Danielle supporting her frustration, allowing her to vent about this unsatisfactory experience, and brainstorming about ways that she could improve her relationship with her supervisor and engage in more valuable legal work.⁸³ Danielle wrote about her frustration—in a tempered and professional way—in her mid-semester self-evaluation and expressed a desire for more substantive work for the balance of the semester. Danielle and I rehearsed how she might express appreciation for the work she had received so far and talk about all that she had learned to date, but gently ask during the meeting for additional work that might better prepare her to take on the role of a lawyer.

Danielle's experience of using the mid-semester meeting to change the course of the externship and shift into different types of work is not uncommon. Each student is urged to view the written self-evaluation as a piece of gentle advocacy on her behalf. The self-evaluation should be a piece of thoughtful writing for the supervisor that can demonstrate a number of the student's attributes: how thoughtful the student is about this experience; how much the student is learning from this experience; how this work builds on the student's prior work experiences; how the student is progressing as a self-directed learner; and how much the student appreciates the supervisor's time, energy, and, investment. This document is a chance for the student to describe everything she wants the supervisor to know about her, and she should assume that the supervisor has not had a chance to review the student's resume or work product again in advance of

⁸² The vignettes used in this article are all based on real examples, but I have taken poetic liberties with each story to ensure that no individuals involved are recognizable.

⁸³ While one might suggest that I should have called the supervisor to intervene in this situation, I assure the students that I will never intervene in their relationships with their supervisors without their permission, and certainly, it is virtually always best for the student to learn to work through these issues on his own.

this meeting. A student should include details of past legal or professional experiences in addition to thoughts about future plans and career goals.

The skill of preparing for this three-way meeting and figuring out how to achieve the desired outcome is again a skill of professional identity formation that students need to integrate into their professional selves. Each student should enter every professional meeting prepared, with a clear agenda and goals, and a way to measure the meeting's success at the end. Professional meetings led by unprepared colleagues lacking agendas are often indicative of a lack of respect for the precious time of the others involved. The time for students to learn the critical skill of preparation is while they are still in school.

On this model, the role of the externship faculty member in this meeting is fairly simple: act as a facilitator of communication and if need be, as the student's advocate. Because the relationship between the supervisor and student is one that can often make or break an externship experience,⁸⁴ faculty members have a vested interest in ensuring that these relationships are functional or better yet successful. The time and energy is invested before the meeting—so that the three players know the issues in advance and no one is caught off guard or surprised. The intense preparation enables us to roll with the punches and hopefully function as a team during the meeting. Certainly, the more challenging meetings are those where communication between the student and supervisor has broken down in some way or where someone's expectations are not being met. But there are not many of those meetings. Often, the meeting simply enables what might have gone unexpressed to be spoken or what might have gone unheard to be absorbed and understood.⁸⁵

Jack was a quiet hardworking student who had spent little time talk-

⁸⁴ See Daniel J. Givelberg, Brook K. Baker, John McDevitt & Robyn Miliano, *Learning Through Work: An Empirical Study of Legal Internship*, 45 J. LEGAL EDUC. 1, 25 (1995) ("Nearly nine out of ten (87.9%) of those who believed that their supervision was adequate also rated their co-op 8 or higher, as contrasted to only 40 percent of those who believed the supervision inadequate and two-third (68.2%) of those who were equivocal.").

⁸⁵ The formal written evaluation process at the end of the semester can evoke a more formal somewhat removed tone. Yet in person, often the supervisor's words are incredibly simple, off-handed, and almost casual but more candid and honest than the wording of a written evaluation. For example, one judge told me in front of my student: "She's got the goods." These four simple words coming from a federal judge meant everything. Or, from a seasoned prosecutor: "He's aggressive but humble. . . fits in well. . . smart but he knows his place." These supervisors often say it differently than they would write it, and the words are far more powerful when they are spoken face to face. In the same way that our students may shine more in written work than oral presentations and the variety of work in a seminar enables me to assess both talents, the judges and supervisors can convey a level of warmth, spontaneity, and enthusiasm in person that may not come through in the more formal written evaluation.

ing to his judge. He told me that he thought he was doing “okay” but really didn’t know what the judge thought of his work. At the meeting, his judge expressed, in front of the permanent law clerk and me, that Jack was one of the best interns the judge had ever had in fifteen years. This remark made a huge difference in Jack’s self-confidence. When that same judge later turned in a final evaluation of the student, those words—“one of the best interns I had in fifteen years”—were not there. While the evaluation was still glowing, for whatever reason, the judge had not inserted that language. Whether or not the judge was too busy, rushed, or had even changed his mind, the fact that I had heard the praise in person—at one point in time—made it real for Jack even though it was not in writing.

Certainly there are times where the student is having a hard time hearing the supervisor’s critique, and in those situations, I can ensure that the student can actually learn from the critique by helping to facilitate the student’s reflection after the meeting.

Perhaps the most valuable component of the meeting involves the student learning whether or not her self-assessment is accurate in the eyes of the supervisor—in other words, formative assessment of the student’s self-assessment. These meetings can provide a critical reality check on the student’s perceptions of her progress. Think back to Danielle, the student with the enormous filing project who hoped to rid herself of that project during the meeting and receive more valuable work from her supervisor because she thought she had earned that privilege.

Danielle and I were taken aback by the reaction she received from her supervisor. At the mid-semester meeting, the supervisor expressed his profound disappointment with Danielle’s inability to focus on the organizational task assigned. It turns out this “filing” project was actually an assignment to organize a trial file in preparation for an appeal. The supervisor wanted Danielle to learn the progression of an appeal and understand the complexity of the preparation before assigning her any research and writing. Danielle’s supervisor educated Danielle about the variety of lawyer tasks that might seem “beneath” a lawyer but are actually part of a lawyer’s responsibilities. The supervisor made it clear that if Danielle did not organize the file, it would be the supervisor’s job, not one for a secretary or administrative assistant. Danielle finally began to understand not only the pedagogical value of the task, but also the practical legal skill required in organizing a trial file so that the appellate lawyer knew the exact history and travel of the case.

Fortunately, the reverse situation where a student underestimates her abilities and worries unnecessarily that she is not fulfilling the expectations of her supervisor often happens. The supervisor is the only one who can provide a reality check on how much (or how little) the

student is actually accomplishing. The next example illustrates why the supervisor is critical to getting the facts straight.

Maria feared that she had overcommitted herself for the semester and worried that she had not lived up to the expectations of her judge or even her own expectations. She wrote about her feelings of inadequacy in her mid-semester self-evaluation and vowed to come through for the second half of her placement. At the beginning of the meeting, her judge, an experienced, dedicated member of the judiciary who had practiced in a demanding practice setting for over two decades, gave her a talk about the fact that she had actually done everything that was expected of her and that she would have a hard time in life if she continued to have such unrealistic expectations for what she could accomplish in a 24-hour day. The talk had a feminist bent and meant the world to this budding attorney-to-be.

In the same way that the spotlight shines on the student during these meetings, it also shines on the supervisor's teaching role. As the example above demonstrates, the supervisor's evaluation of the student and reality check on the student's self-assessment is critical to the mid-semester meeting process. And certainly, the mere fact that the faculty member has chosen to make these meetings an integral component of the experience signals to the supervising attorneys and judges that they are partners in this educational endeavor and that their assessments are valued.

The faculty member's role is equally important after the meeting to help the student make sense of what happened or to figure out the next steps in the relationship. Occasionally, a student will feel undervalued during the meeting or realize that the supervisor was not aware of all that the student had accomplished in the placement. Another student had organized a huge file by making a complicated timeline and charting out each different stage of the case. This project had taken an enormous amount of time and the student was very proud of her work. In the meeting, the supervising attorney referred to this project as merely "making a list," and the student was distressed about this after the meeting. We strategized about how to remedy this misperception, and the student was later able to ensure that the supervisor adequately appreciated the depth and breadth of that project.

Additionally, the student is required to complete a "Debrief Reflection" within 48 hours after the meeting. This document helps me to understand the student's reaction to the meeting: Did it go as she hoped? Was her supervisor effusive enough about her work? Did she agree with the critique? How would she critique her own performance or my performance? The debrief process is a new one in our program, but the early returns are good. Students somewhat uniformly believe that much of the benefit of the meeting comes from the

amount of preparation that they put into their mid-semester self-evaluation. Below are verbatim excerpts from the debrief reflections of two different students:⁸⁶

Student A: *The mid-semester meeting preparation process, specifically drafting the self-evaluation, has helped me to see how much I have learned during my externship experience. Putting this experience into writing allowed me to highlight the areas I wished to work on and to see that I have been able to improve each of those areas during this experience. The writing process has also clarified how valuable this experience has been to me.*

Student B: *I learned that although it is difficult to engage in honest self-reflection, it's also well worth the trouble. I realize that the only way to grow as a professional is to never be complacent and always strive to improve. The mid-semester meeting helped me develop some "take-home" tactics for making this process more valuable.⁸⁷*

In addition, some students have regretted that they did not prepare as much as they could have or that they did not make the most of their meetings. Several students have suggested that I focus on this mid-semester meeting process from the beginning of the semester to enable them to keep detailed notes along the way and be prepared for the questions they will need to answer for the mid-semester self-evaluation.

Student C: *I would suggest that students reflect on their goals memo from the first day and throughout the semester instead of waiting until the mid-semester meeting to think about whether they are accomplishing their goals. Doing so will make the mid-semester meeting process go more smoothly.*

Student B: *I suggest that future students really take the time to set goals at the beginning of the semester and reflect on these goals as often as time permits. If you don't spend time thinking about the Mid-Semester Evaluation and how it relates to, or strays from, your original goals, then you are forfeiting a wonderful opportunity to honestly evaluate yourself and assess all that you have learned. This process is certainly not easy, but very rewarding!⁸⁸*

Somewhat ironically, the debrief process is an excellent mechanism for providing the externship faculty member with feedback or formative assessment that can then be incorporated into future meetings with other students. In an ongoing effort to make the entire process

⁸⁶ All debrief reflections have been used with each student's permission and are on file with the author.

⁸⁷ This particular reflection was written by my research assistant, who not only helped to research the article before going through the process but also participated in the mid-semester meeting process as part of her own externship.

⁸⁸ This suggestion was also written by my research assistant. See *supra* note 87.

as valuable as possible, I relish reading the student's debrief worksheet because it immediately lets me know the student's feelings right after the meeting and enables me to reflect on what I could have done differently to make the meeting more valuable. It's not only the students who need to know how they're doing along the way; perhaps the Carnegie Report authors will tackle that subject in the next study of law school education.

CONCLUSION

The protocol for these mid-semester meetings is still very much a work-in-progress. The intensive preparation model works well, but a continuing goal is to move the conversation to a different level than the concrete nature of the mid-semester self-evaluation that the student has prepared. Meetings need to be succinct, productive, and not merely repetitive of the information that has been read and digested before the meeting, although that preparation, in and of itself, is an important ingredient for the student's formation of professional identity. The hope is to come up with a recipe or roadmap for facilitating an optimal meeting, one that brings the student to a new understanding of professional identity formation and provides her with helpful feedback from her supervisor that might not have been shared but for this meeting.

On the other hand, a more recent realization is that this whole process is really not primarily about the meeting; it's all about the preparation *before* and the debrief process *after* the meeting. Teaching students to become self-directed, self-reflective learners and to develop a personal professional identity is not about facilitating the perfect⁸⁹ meeting; it's about inculcating students with the skills to prepare for these meetings, to facilitate these meetings, and to learn from these meetings after the fact so that the next meeting will be better still.

The Carnegie Report urges legal educators to focus on the formation of professional identity in our students. Externships, by their very nature, provide a valuable opportunity for students to explore issues of professionalism, self-directed learning, and reflective practice contextually. As students learn to take responsibility for their own learning and supervision, with the supervising attorney or judge right beside them, the faculty member can play a valuable role in that relationship by being engaged in the enterprise. While there are significant resource implications for this pedagogical choice, some programs may find that the cost-benefit analysis favors this design. As law

⁸⁹ See *supra* note 2 and accompanying text.

schools explore the implications of the Carnegie Report in efforts to incorporate its teachings into our curricula, I hope that we will share our ideas about the best pedagogical practices to encourage our students to become reflective practitioners able to take advantage of the most valuable lessons from the many supervisors and mentors that await them.

APPENDIX A

MID-SEMESTER SELF EVALUATION FORM

*Roger Williams University School of Law
Feinstein Institute for Legal Service*

This form should be completed by the student and reviewed by the Director before it is shared with the student's supervisor. Each student is responsible for providing a final copy of the self-evaluation to the Supervising Attorney or Judge and Director at least two days before the mid-semester meeting.

Student:

Organization/Court:

Supervising Attorney/Judge:

Date:

1. Description of work performed: (Please list all work you have done without identifying information)
2. What prior legal experiences (internships, jobs, clinics) have you had?
3. What were your learning goals prior to starting your externship? Please list and describe.
4. Please evaluate your progress in meeting your goals.
5. Describe something that you have learned that you did not expect to learn?
6. Please evaluate your research, writing and analytical skills, if applicable. Where are you strong? What do you need to improve?
7. Please evaluate your interviewing & counseling skills, if applicable: Where are you strong? Where can you improve?
8. Please evaluate your oral communication skills – in court, in meetings with your supervisor, with adversaries, etc.
9. What lessons have you learned about the character traits that make for respected and competent lawyers?
10. Please evaluate your time management skills, organization, and ability to meet deadlines.
11. Please evaluate your ability to seek and use supervision effectively.
12. Do you seek guidance when you need it? Is there anything you can do to improve your working relationship with your supervisor? How have you gone about teaching yourself what you've needed to learn? Please evaluate your ability to be a self-directed learner.

13. What has been your most meaningful learning experience?
14. What has been your greatest challenge?
15. Is there any way for your learning experience to improve? If so, how? What can you do to make this happen?
16. What pearls of wisdom will you take with you from this experience as you begin your legal career?
17. What would you like to learn in your mid-semester meeting?
18. Is there anything else that you would like to discuss in your mid-semester meeting?

APPENDIX B

MID-SEMESTER MEETING PREPARATION REFLECTION

*Roger Williams University School of Law**Feinstein Institute for Legal Service*

This form is to be used solely for internal purposes – not for your supervisor.

1. On a scale of 1 to 10 (10 being the highest), how would you rate your externship experience?
2. Assuming it is not a 10, what would need to change for it to become a 10?
3. On a weekly basis, how much face time do you get with your supervising attorney or judge?
4. What kind of feedback have you received on your written or oral work from your supervisor or judge?
5. Do you know what your supervisor or judge thinks of your work? If so, what? And if not, why not?
6. What are your goals for your mid-semester meeting?

APPENDIX C

MID-SEMESTER MEETING DEBRIEF REFLECTION

*Roger Williams University School of Law**Feinstein Institute for Legal Service*

This form is to be used solely for internal purposes – not for your supervisor.

1. What, if anything, did you learn from the mid-semester meeting preparation process? And how did you learn it (from drafting your self-evaluation, talking to your classmates, meetings with the Director, or reading anything)?
2. What, if anything, did you learn from your mid-semester meeting?
3. Did your mid-semester meeting go as you expected it would? If not, what was different?
4. Do you think anything about your externship will change as a result of your meeting? If so, what?
5. If you were to do this meeting again tomorrow, what, if anything, would you change? Please consider your own performance or participation, my performance or participation, or your supervisor or judge's performance or participation?
6. In what way could the Director have played a more effective role in your meeting?
7. Is there anything that you learned in your meeting that could have happened without this meeting?
8. What suggestions do you have about this mid-semester meeting preparation, process, and meeting for future students?
9. Is there anything that you wish you had understood or known or learned in advance of this meeting?
10. In retrospect, would you change anything about the way you drafted your mid-semester self-evaluation?

