



EXTERNSHIP PROGRAM

SUPERVISOR'S HANDBOOK

Office of Experiential Learning

245 Peachtree Center Ave. NE Suite 1900
Atlanta, Georgia 30303
(678) 916-2612
(404) 873-3802 (FAX)

J.L. Wyatt-Keyton, Ph.D.
Executive Director, Office of Career Services and Professional Development
jwyatt@johnmarshall.edu

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I. Introduction

Welcome to Atlanta's John Marshall Law School (AJMLS) Externship Program. As a participating field placement, you are providing students with a valuable educational opportunity to integrate the theoretical knowledge learned in the classroom with the practical experience of on-the-job training. The following provides an overview of the program and your responsibilities as a supervising attorney. Please contact the Executive Director, Dr. J.L. Wyatt-Keyton, at (678) 916- 2612 or jwyatt@johnmarshall.edu with questions, concerns, or requests for additional information.

II. Mission

The mission of the Externship Program is to provide opportunities for students to develop their practical legal skills in real-world legal settings while providing them with the academic support and guidance needed to ensure a successful and meaningful on-the-job performance and deeper insight into what it means to be a lawyer.

III. Externship Requirements and Goals¹

- **Attorney Supervision**

All placements must be supervised by a practicing attorney or compliance officer with five or more years of experience or a sitting judge. While students may receive assignments through non-attorney staff members, students cannot undertake projects assigned or supervised solely by non-lawyers and feedback on assignments should be given by the supervising attorney, compliance officer or judge.

¹ Externships are governed by the American Bar Association's Standards for Approval of Law Schools, Standard 305.

- **Educational Goals**

Externships must also meet the school's educational goals. In accordance with ABA Guidelines supervising attorneys are asked to acknowledge the following conditions for Atlanta's John Marshall Law School's Externship Program:

1) The supervisor recognizes that an externship allows a student to earn academic credit for a "substantial" lawyering experience.

2) The supervisor accepts direct supervision and responsibility for the extern while at the placement office this semester; specifically, provide opportunities for observation, performance and face-to-face as well as written feedback.

3) The supervisor promises to monitor, mentor and assess the student's progress of individual learning goals.

4) The supervisor understands that only students certified to practice under the Georgia Student Practice Rule or the Third-Year Practice Act are qualified to practice law under the supervision of an attorney licensed in the State of Georgia.

5) The supervisor or someone with authority will ensure the student is oriented to any applicable rules, policies, procedures, methods, and operations at the Field Placement Office.

6) The supervisor will ensure the student has adequate/designated and safe on-site workspace which includes access to technology and resources necessary to complete assignments.

7) Should circumstance require that the student work remotely, the supervisor agrees to follow the 12Tips outlined in Appendix A.

8) The supervisor acknowledges that externs will have access to the placement's Lexis Nexis, Westlaw and Bloomberg accounts for research performed for the benefit of the placement.

9) The supervisor acknowledges the student is to perform substantive legal work and will not primarily perform clerical tasks such as filing or photocopying.

10) The supervisor will make him or herself available for student questions and will meet with students face-to-face on a regular basis.

11) The supervisor agrees to assign work that requires timely and specific feedback and to ensure the feedback is substantive in nature according to the learning objectives set forth at the beginning of the semester, and the supervisor agrees to meet with the student extern throughout the semester to provide formative feedback.

12) At the beginning of this semester, the supervisor or someone with authority will meet with the student to discuss specific learning objectives and provide a plan for the student to complete said objectives.

13) The supervisor will assess and certify the student's overall performance including required field hours by completing a midterm and final evaluation form.

14) The supervisor will ensure the student's work schedule will not prevent him/her from attending scheduled classes.

15) The supervisor will not rely solely on text messaging or email as the primary method of communicating with the student. Face to face meetings as often as possible is the preferred method of communication.

16) If the supervisor observes any behavior or lack of skill that can be developed in the classroom or if a problem occurs, The supervisor will contact Dr. Wyatt-Keyton at jwyatt@johnmarshall.edu or (678) 916-2612.

The supervisor is required to sign a Memorandum of Understanding for each student, every semester acknowledging:

- The supervisor has read and understand the terms and conditions stated above;
- The supervisor has been given authority to ensure that externs receive appropriate work assignments, supervision, and feedback, consistent with the description provided above as amended by each student's learning objectives and opportunities for performance;

- The supervisor will ensure prompt completion of midterm and final evaluations, and prompt cooperation and communication with the faculty supervisor and externship program administrator as requested;
- The supervisor will comply with all rules promulgated by the Law School regarding externships, and all applicable federal and state laws, regulations, and Georgia Bar rules;
- The supervisor will not compensate the student, except for reasonable incidental expenses (e.g. parking, mileage, photocopying, etc.);
- The supervisor will not bill out or otherwise claim compensation for student's work for clients or other third parties;
- The supervisor will provide malpractice insurance coverage of the student's work to the same extent that you provide for other non-lawyers working in your office on legal matters; and
- Unless you are an organization for whom individuals are permitted to volunteer under the Fair Labor Standards Act, no extern will displace an employee whom you would ordinarily have to compensate for the same work, whether on a full-time or part-time basis.

The educational goals of the Program are as follows:

1. Provide professional skills instruction in the following areas:
 - a. problem solving;
 - b. legal analysis and reasoning;
 - c. legal research;
 - d. fact investigation;
 - e. interviewing and counseling;
 - f. negotiation; and
 - g. organization and management.
2. Provide students with opportunities to develop their written and oral communications skills by:
 - a. drafting pleadings, legal memoranda and correspondence;
 - b. drafting transactional documents; and

- c. representing clients in formal and/or informal judicial and administrative proceedings.
3. Instill fundamental values of the legal profession by:
 - a. acquainting students with the rules governing attorney conduct in their jurisdictions;
 - b. enhancing students' abilities to recognize, address and resolve ethical issues in context; and
 - c. emphasizing the lawyer's responsibility to:
 - i. provide competent representation;
 - ii. promote fairness and justice; and
 - iii. engage in an on-going process of professional growth and development.
4. Develop professional practice standards by encouraging students to:
 - a. invite critique by supervisors and peers;
 - b. engage in thoughtful self-assessment; and
 - c. reflect on and extrapolate from placement experiences and observations.
5. Promote students' understanding of the roles played by the various "actors" in the judicial system.

Promote students' understanding of the psychological and sociological factors that may affect an attorney's ability to be an effective counselor and advocate for his or her clients.
6. Provide opportunities for examining the application of legal doctrines learned in the classroom to the resolution of "real world" legal problems.
7. Expose students to the importance of public service and the need for equal access and competent legal representation for all.

- **Non-legal assignments**

Neither law school policy nor the ABA regulations permit students to earn academic credit for photo-copying, typing or answering the telephone. While an extern may be asked to do one or more of these activities periodically, they cannot be a regular part of the placement experience. Students cannot earn credit for time traveling to and from their placement; however, time spent with the supervising

attorney traveling to interviews, depositions, hearings or trainings can be counted toward their required credit hours. Supervisors are encouraged to take students with them to practice-related activities outside the office. Students may work remotely on assignments under the attorney's supervision as outlined in Appendix I.

Students are not allowed to receive any monetary compensation or fringe benefits from a field placement. Students may be reimbursed for out-of-pocket expenses. Students can be compensated through a Fellowship provided by a Non-Interested Third Party e.g. fellowships.

III. Fair Labor Standards Act and Externs

The following six criteria must be met for students participating in externship and internship programs to be exempt from the compensation requirements of FSLA:

1. The externship student must receive training that is similar to what would be given in an educational environment;
2. The externship experience is for the benefit of the extern;
3. The extern does not displace regular employees, but works under close supervision of a licensed practicing attorney;
4. The employer that provides the training derives no immediate advantage from the activities of the extern;
5. The extern is not necessarily entitled to a job after the externship is concluded;
6. The extern and employer both understand that the extern is not entitled to wages for the time spent in the externship.

Private firms and attorneys

Students can work for a private firm or attorney on a case-by-case basis, provided the firm certifies the following:

- 1) The supervising attorney or compliance officer has been in practice for 5 or more years;
- 2) The supervising attorney is in good standing with the State Bar of Georgia;
- 3) The supervising attorney has not been the subject of a disciplinary proceeding, current or past;
- 4) That the law firm agrees to the FSLA criteria outlined above; and finally,

5) Student is not a relative of the supervising attorney or anyone at the law firm.

Preference is given to private firms or attorneys that have a significant number of pro bono cases which a student can work on during their externship. Factors for approving a placement without pro bono cases include, but are not limited to, length of time the attorney or firm has been in practice, their reputation in the legal community and the primary areas of practice. Preferred practice areas include immigration law; family law; health law, alternate dispute resolutions; estates, wills and trust; bankruptcy; entertainment and sports law; real estate; and intellectual property. Insurance defense firms will not be considered for placement nor should students work on insurance defense cases.

V. Credit Hours and Grading

Unlike internships, externships allow a student to receive academic credit. Students in the program during the regular academic year must earn a minimum of two and typically no more than six credit hours per field placement. Students must work 47 actual hours at the placement to receive 1 credit. During the summer semester, a student may earn up to six credits. Students seeking two credit hours must work a minimum of 94 working hours or 6.7 hours a week in a 14-week semester. Students seeking three credit hours must work a minimum of 141 working hours or 10 hours a week. Summer students can work beyond the seven weeks of summer classes; however, their work must be completed by the second week in August. Students track their hours on weekly timesheets in the 12Twenty platform that must be verified by the supervising attorney.

Externships are graded on a pass/no credit/fail basis. Grades are based on the supervising attorney's evaluation of the student including but not limited to the student's work habits, work quality, and professionalism. Grades are also determined by the student's participation in externship's classroom component.

V. Student Eligibility

Students must have completed their first year of law school which is typically 30 credit hours (including all required first year courses) and be in good academic standing.

Students accepting placements that require court appearances must be eligible to practice under Georgia's Student Practice Rule which requires a student to be regularly enrolled and in good standing in a law school in this state and to have satisfactorily completed legal studies equivalent to at least two semesters of full-time study. The Associate Dean of Academic Administration will certify that the law student meets the requirements under the student practice rule and said certification will be sent to the Office of Bar Admissions once the requisite credit hours and GPA are verified by the Registrar and Associate Dean. Eligible students will then sign an oath affirming that they will support the Constitution of the United States and the Constitution of the State of Georgia; maintain the respect due to courts of justice and judicial officers; employ such means only as are consistent with truth and honor, and will never seek to mislead by any artifice or false statement of fact or law; will maintain and protect all confidences; and will in all other respects conduct themselves personally and professionally in conformity with the high standards of conduct imposed upon members of the State Bar of Georgia.

It is understood that some placements still require that students be admitted under the Third-Year Practice Act.

VI. Workplace Confidentiality

Observing ethical obligations of confidentiality is a central principle of the lawyer-client relationship. Because students may not have experienced formal training in professional responsibility at the time of the externship, Atlanta's John Marshall Law School recommends supervising attorneys ensure that law students are aware of the confidentiality policies specific to the placement. The law school advises the following:

- 1) Confidentiality policies be set forth in writing and distributed to each extern at the beginning of the externship;
- 2) Externs sign an acknowledgment of receipt of the policies; and,
- 3) Supervising attorneys discuss the importance of confidentiality and the ethical implications involved in a case or matter with externs throughout the term of the placement.

VI. Site Visits

AJMLS requires site visits to placement offices as required by the ABA standards. The Externship Program Administrator will contact supervising attorneys to arrange a site visit, when necessary, at a mutually agreed upon time.

VII. Evaluations and Feedback

Supervising attorneys are encouraged to give meaningful feedback to students throughout the externship. Attorneys should discuss evaluations with the student and offer suggestions for improvement. In appendix I and II, we include some of our suggested strategies for delivering constructive feedback. The attorney must complete two evaluations before the student can receive academic credit. Supervisor evaluations will be completed on 12Twenty. A link for the evaluation will be sent via email directly to you when the evaluations are due.

Mid-term evaluations are due seven (7) weeks into the semester. Final evaluations are due at the end of the semester. Supervising attorneys should contact the Externship faculty immediately if there are any concerns with a student's behavior, conduct, or work product. Please be advised that a student will not receive a grade until the Supervisor's final evaluation is submitted. These evaluations are an integral part of the grading process.

VIII. Non-Discrimination Policy

Consistent with sound educational policy, Atlanta's John Marshall Law School, in compliance with Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972 (45 CFR 86), and Sections 503 and 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, and other best practices, does not discriminate on the basis of sex, handicap, disability, race, color, religion, age, national or ethnic origin, marital status, veteran status, political affiliation or belief, gender identity, gender expressions, or sexual or affectional preference in the law school's educational and campus life programs, admissions policies, employment and compensation policies, financial aid and scholarships allocation, code of conduct, or other school administered programs and events. Inquiries concerning these policies should be directed to the Dean of the Law School.

**IF YOU HAVE ANY QUESTIONS, CONCERNS OR SUGGESTIONS, PLEASE DO NOT
HESITATE TO CONTACT US.**

Executive Director, Dr. J.L. Wyatt-Keyton - (678) 916-2678 jwyatt@johnmarshall.edu

**THANK YOU FOR PROVIDING OUR STUDENTS THIS OPPORTUNITY. WE LOOK
FORWARD TO PARTNERING WITH YOU.**

Appendix I

12 Tips for Engaging with Remote Externs

For many reasons know that at times it may be necessary for Atlanta's John Marshall Law School (AJMLS) externs to work remotely. There are also times when supervisors may have to telework and still be responsible for overseeing externs, staff and associates. While it is becoming more common for lawyers to telework, it remains uncommon for newer lawyers and student learners to have this option. This will be great practice for externs' future careers, but for many externs and perhaps some supervisors, this is a major adjustment. To help externs be as successful as possible and to help support you as their supervisor during this challenging time, we share the following tips and best practices for working with remote externs.

Please note: even with unique working arrangements, students will still be required to log hours, set learning goals, complete reflective work, and meet with externship faculty. We will also continue to ask you as the supervisor to confirm your extern's learning goals and complete a midterm and final online evaluation about their work at the end of the semester.

More broadly, if you have questions, concerns, or need help in navigating this new dynamic, do not hesitate to reach out to the Atlanta's John Marshall externship team via email or phone (our office phones forward to our cells during remote engagement):

- J.L. Wyatt-Keyton, (Executive Director), jwyatt@johnmarshall.edu / 678-916-2612

Tip #1 Acknowledge the Challenging Situation We Are All Facing as Individuals, as Workers, and as a Profession

- Externs often think supervisors are invincible. While they know, technically, this situation is new for everyone, they tend to think experienced lawyers have it together. Acknowledging and admitting that this is an unprecedented situation that causes challenges and stress, and requires creativity and flexibility, will go a long way towards setting the extern at ease and building a more trusted, authentic relationship.

- When possible, engage externs in thoughtful dialogue about the pandemic's effect on the work, your office and practice area more generally, and our profession.

Tip #2 Set Up Regular Check-Ins

- As you know, we always recommend that supervisors have weekly meetings with externs to help answer questions, ensure externs are on track, deliver feedback and give new assignments, and to connect more generally. This practice has never been more important.

- We recommend that you organize a set day/time each week to meet with your extern(s) via a video chat ideally or at least via phone for 30 minutes or more. To help make these meetings most efficient for

you, consider setting an agenda or asking the extern to do so. That way, the meeting is as focused as possible and everyone can prepare in advance.

Tip #3 Help the Extern(s) Set Up a Work Schedule

- With remote work, it is harder to know when people are working and what else they may have going on. We strongly recommend you discuss a set schedule with your extern in advance if possible. This could be centered on the total number of hours the extern will work per week, the number of days the extern will work per week, and/or which days (and which hours) the extern will work per week. While some flexibility is needed during these challenging times, externs tend to work better, even when situated in an office, when they have a clearly defined schedule. This will also ensure they are available for meetings and calls as they arise and can help you with scheduling these in advance.

Tip #4 Check-In Regarding Additional Responsibilities and Real Life Constraints the Extern May Have

- While they will be working remotely, externs are still expected to adhere to their schedule and work responsibilities. With that said, given this ever-changing situation, ask about what other responsibilities externs may have during this crisis – parental responsibilities, caring for an older aged parent, and the like. Offer some flexibility to show support and display empathy, even if you also are experiencing challenges. Understanding their situation and recognizing additional challenges that they face can help you get to know them better and to adapt expectations if appropriate and needed.

Tip #5 Don't Forget to Include the Extern in Virtual Meetings/Calls as Much as Feasibly Possible

- Remote work generally eliminates your ability to pop by an extern's office area and invite them to a meeting at the last minute. When you can, plan and notify the extern of such meetings so they can be available or shift something around if needed. Externs will really miss the camaraderie of an office and the ability to "tag along" with supervisors. To the best of your ability, try to virtually include them in anything and everything appropriate.

Tip #6 Help the Extern Prioritize by Setting Deadlines and Supporting their Daily/Weekly Goals

- We have advised students to think about what they tangibly hope to accomplish on specific days and during an entire work week while in a remote placement. You can help them do this effectively by offering prioritization among projects and by setting up clear deadlines. Sometimes supervisors don't want to have firm deadlines to avoid pressuring the extern. With remote work, deadlines (even if there is some flexibility) are critical to help keep externs focused, on task, and motivated. If externs are juggling multiple assignments from multiple supervisors, this is even more important.

- You could consider asking externs whether it is worth sharing their daily or weekly goals with you in advance so you know they are on track and so that you can help them prioritize if needed.

Tip #7 Ensure Externs Have Access to Appropriate Files and Relevant Contact Information

- If externs need access to a shared drive or email account, try to set this up in advance so that they are ready to work. If they have issues with any of these technologies, be sure to let them know who to contact (whether you or another professional at the office).
- Relatedly, if you will be unavailable, who is the extern supposed to engage with if something arises? Be sure that externs have names/contacts of individuals they may need to work with regularly or reach out to on occasion.

Tip #8 Establish a Plan for Saving Documents, etc.

- Develop a system for how you would like the extern to save and share their work. Are there certain naming formats? Should they email or upload their work product?

Tip #9 Help Externs Understand Ethical Rules, Especially Confidentiality

- We always discuss relevant ethical rules, including confidentiality, but ensure externs understand any specific rules you may have.
- We have informed externs to be mindful of who is nearby when they are on calls, documents left open on a computer, documents left on a kitchen table, and the like, but reiterating these lessons is always helpful.
- You can also consider assigning work that does not include confidential information.

Tip #10 Continue to Share Feedback in Multiple Ways

- Whether it is offering tangible feedback on written product or giving feedback on conduct during a meeting, externs really want to learn and want to hear your thoughts. The scheduled meeting is a great time to discuss how the extern is doing. Additionally, acknowledging work product when it is received, sharing the final documents that are filed/submitted, and, when possible, inputting track changes/comments into their documents, can really help them learn and create an improved work product next time.
- Reviewing constructive feedback over email without any context can be difficult. We suggest when possible that you share constructive feedback via a video or phone conference. Of course, a track change document is useful but again, consider whether a short chat discussing the document would be helpful for understanding and for digesting the feedback, especially given the different type of relationship that remote externs and supervisors may have.
- Relatedly, celebrate success – whether for a great work product or simply for completing a very intense project – this will help motivate externs and let them know what to keep doing!

- In appendix I and II, we include some of our suggested strategies for delivering constructive feedback. We are happy to discuss these in more detail with you at any point.

Tip #11 Consider Zoom-Based or other Conferencing Platform for Virtual Networking, Mentoring Events and Virtual Trainings

- Externs really cherish the professional development, networking, and career guidance they receive from supervisors and team members. If possible, consider hosting a small handful of zoom or other teleconferencing sessions over the lunch hour that discuss jobs in your field, useful connections and associations, and offer other networking and mentoring advice to externs.

- Externs will be able to review training materials on their own, but if you normally host in-person training sessions, consider whether you can adapt such trainings to video or phone to allow for real time engagement and feedback.

- Invite Externs to virtual training and networking events that you may be participating in.

Tip #12 Connect and Engage as Often as You Can

- It is so hard to develop new relationships virtually. We know you are under a lot of stress and that this entire remote format is new for many of us. Externs will appreciate any outreach, check-ins, and any other ways you can show that you care, that you want to get to know them, and that you are happy they are contributing.

Appendix II: Constructive Feedback Framework

FAST

- **F**requent
- **A**ccurate
- **S**pecific
- **T**imely

BAM

- **B**e Honest
- **A**lways focus on the good first, room for improvement second
- **M**ake them better

SKM

- What you should **S**top doing
- What you should **K**eep doing
- What you should do **M**ore of

AID Strategy

- **A**ctions: specific observations
- **I**mpact: result of the actions
- **D**o: mutually agree on alternative approaches for the future

Appendix III: Feedback Outline Worksheet

1. Write out two key points that you want to address.

- a. _____
- b. _____

2. Write out two positive observations.

- a. _____
- b. _____

3. Transition to constructive feedback.

4. Two areas for improvement/development.

- a. _____
- b. _____

5. Agreed upon action steps and notes.
