

MEMORANDUM

To: Faculty

**From: Brett Dignam, Vice Dean of Experiential Education
Susan Kraham, Director of Externships and Field Placements**

Re: L6695 (Supervised Experiential Study)

We write to address a variety of questions faculty members have raised about L6695, Supervised Experiential Study. As you know, beginning with the 2019 class, the ABA Standards require every law student to complete at least 6 credits of experiential learning before graduation. These standards, which have recently been clarified and are attached, set forth criteria that must be met in order to grant experiential credit. Courses that satisfy the standards are identified as: law clinics, simulation courses and field placements. As new courses are approved by the Curriculum Committee or Adjunct Committee, they will be reviewed to determine whether they meet the standards for experiential credit. CLS courses that satisfy the ABA standards are tagged in the online curriculum guide as experiential.

Supervised Experiential Study, L6695

While many of our students choose experiential learning courses listed in the curriculum guide and offered by full-time and adjunct faculty, some of our students opt for an independent project. Course L6695 was adopted to facilitate those projects while ensuring compliance with the ABA experiential requirements. It is important that faculty are aware of, and willing to comply with, these requirements when agreeing to supervise experiential study.

Students very much appreciate and enjoy the opportunity to work with faculty members on a Supervised Experiential Study. It provides an opportunity for them to develop a relationship with a faculty member who may be interested in or familiar with the student's area of interest.

1. Course Components and Faculty Responsibility

The substantive requirements for L6695 are based both on the CLS and ABA standards and, while not onerous, they require some time and commitment on your part. These standards require regular communication between the student and the supervising faculty member over the course of the semester. Importantly, while the site supervisor will have primary supervisory responsibility, the faculty member must communicate with the site supervisor periodically to assure the quality of the student's education experience. It is also the faculty member's obligation to provide the student with regular opportunities for guided reflection. For example, the faculty member can require 4 written reflections (2-3 pages) throughout the semester. The first should be a thoughtful articulation of learning goals, the second and fourth might be self-evaluations by the student that provide a basis for feedback and discussion with the site supervisor.

Students may not earn experiential credit for any work for which they are being paid or for which a client is billed. Nor is L6695 intended to authorize part time work at a law firm that regularly offers other student experiences. For example, a supervised project should not be approved for any law firm that has a paid summer associate program. In certain circumstances where a law firm has a specialized practice that the student would otherwise be unable to experience, a for profit law firm placement may be acceptable. For example, students have done supervised projects at civil rights firms, labor firms and small specialized IP practices. These are intended to be the exception however. In house counsel projects may also be suitable.

Faculty awarding L 6695 credit are required to:

- Review and sign the Registration form (see below)
- Review and sign the Memorandum of Understanding setting forth the elements of the experiential learning (see below)
- Review student learning goal assignment with the student at the beginning of the semester and confirm that the student has shared it with the site supervisor
- Review student reflections and meet with students periodically to discuss
- Communicate regularly with site supervisor to insure that students are engaged in meaningful and appropriate work and are receiving feedback that will provide the basis for evaluation and award of a grade or credit

2. Course Mechanics

Students interested in a supervised experiential project must identify a host organization that is willing to comply with L6695 requirements. They may seek your help in doing so or may ask for guidance from Susan Kraham or one of the career advisors. L6695 should only be used for projects that will provide substantial lawyering experiences reasonably similar to those of being a lawyer advising or representing a client. The work can be litigation, policy, transaction, domestic, international, etc.

Once the host has extended an offer, students must complete the registration form which requires the signatures of the student, the supervising faculty member and the director of externship (Susan Kraham). The form also requires the student to describe the project and identify the site supervisor. Students can register for 2 or 3 credits¹ and must complete 5 hours per week at their placement for each credit awarded. A sample registration form is attached for your reference.

The Externship Program has developed a Memorandum of Understanding (MOU) form to insure compliance with the ABA requirement of “a written understanding among the student, faculty member, and a person in authority in the field placement that describes...the substantial lawyering experience and opportunities for performance, feedback, and self-evaluation [the student extern will receive]; and ...the respective roles of faculty and any site supervisor in supervising the student and in assuring the educational quality of the experience for the student[.] **ABA Standard 304 (d)(i) (2018).**” A copy of the Externship MOU is also attached. The MOU

¹ Students are limited to 3 credits of individually supervised work in any one semester and may not enroll for more than 4 in any academic year.

identifies the respective responsibilities as well as documents that must be submitted during the course of the project. The MOU governs the project and assigns the various obligations in the ABA Standards.

Students must turn in the signed MOU by the third week of the semester. The students are required to complete a learning goals assignment and share it with their site supervisor. The faculty member must review the learning goals assignment and make sure that it is shared with the site supervisor. These goals should provide a touchpoint for student reflection and evaluation throughout the semester.

There are no specific requirements about how frequently you meet with students or how long each meeting should last. Nor are there specific requirements concerning the substance of those meetings. For the supervised experiential project, the standards require “regularly scheduled tutorials, or other means of ongoing, contemporaneous, faculty-guided reflection.”

Finally, the faculty member must communicate with the site supervisor to insure that the student is provided appropriate and regular feedback that will enable evaluation sufficient to award credit or a grade. The faculty member and student should decide at the time of registration whether the project will be undertaken for a letter grade or simply credit/fail.

We hope this memo provides necessary clarification and information. Any additional questions can be directed to Susan Kraham at x45008 or SKraha@law.columbia.edu.

Attachments:

2018-2019 ABA Standards, Chapter 3
Field Placement Registration form
Memorandum (MOU) form

CHAPTER 3

Program of Legal Education

Standard 301. OBJECTIVES OF PROGRAM OF LEGAL EDUCATION

- (a) A law school shall maintain a rigorous program of legal education that prepares its students, upon graduation, for admission to the bar and for effective, ethical, and responsible participation as members of the legal profession.
- (b) A law school shall establish and publish learning outcomes designed to achieve these objectives.

Standard 302. LEARNING OUTCOMES

A law school shall establish learning outcomes that shall, at a minimum, include competency in the following:

- (a) Knowledge and understanding of substantive and procedural law;
- (b) Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context;
- (c) Exercise of proper professional and ethical responsibilities to clients and the legal system; and
- (d) Other professional skills needed for competent and ethical participation as a member of the legal profession.

Interpretation 302-1

For the purposes of Standard 302(d), other professional skills are determined by the law school and may include skills such as, interviewing, counseling, negotiation, fact development and analysis, trial practice, document drafting, conflict resolution, organization and management of legal work, collaboration, cultural competency, and self-evaluation.

Interpretation 302-2

A law school may also identify any additional learning outcomes pertinent to its program of legal education.

Standard 303. CURRICULUM

- (a) A law school shall offer a curriculum that requires each student to satisfactorily complete at least the following:
 - (1) one course of at least two credit hours in professional responsibility that includes substantial instruction in rules of professional conduct, and the values and responsibilities of the legal profession and its members;
 - (2) one writing experience in the first year and at least one additional writing experience after the first year, both of which are faculty supervised; and
 - (3) one or more experiential course(s) totaling at least six credit hours. An experiential course must be a simulation course, a law clinic, or a field placement, as defined in Standard 304.
- (b) A law school shall provide substantial opportunities to students for:
 - (1) law clinics or field placement(s); and
 - (2) student participation in pro bono legal services, including law-related public service activities.

Interpretation 303-1

A law school may not permit a student to use a course to satisfy more than one requirement under this Standard. For example, a course that includes a writing experience used to satisfy the upper-class writing requirement [see 303(a)(2)] cannot be counted as one of the experiential courses required in Standard 303(a)(3). This does not preclude a law school from offering a course that may count either as an upper-class writing requirement [see 303(a)(2)] or as a simulation course [see 304(a) and 304(b)] provided the course meets all of the requirements of both types of courses and the law school permits a student to use the course to satisfy only one requirement under this Standard.

Interpretation 303-2

Factors to be considered in evaluating the rigor of a writing experience include the number and nature of writing projects assigned to students, the form and extent of individualized assessment of a student's written products, and the number of drafts that a student must produce for any writing experience.

Interpretation 303-3

Rule 6.1 of the ABA Model Rules of Professional Conduct encourages lawyers to provide pro bono legal services primarily to persons of limited means or to organizations that serve such persons. In addition,

lawyers are encouraged to provide pro bono law-related public service. In meeting the requirement of Standard 303(b)(2), law schools are encouraged to promote opportunities for law student pro bono service that incorporate the priorities established in Model Rule 6.1. In addition, law schools are encouraged to promote opportunities for law students to provide over their law school career at least 50 hours of pro bono service that complies with Standard 303(b)(2). Pro bono and public service opportunities need not be structured to accomplish any of the outcomes required by Standard 302. Standard 303(b)(2) does not preclude the inclusion of credit-granting activities within a law school's overall program of law-related pro bono opportunities so long as law-related non-credit bearing initiatives are also part of that program.

Interpretation 303-4

Law-related public service activities include (i) helping groups or organizations seeking to secure or protect civil rights, civil liberties, or public rights; (ii) helping charitable, religious, civic, community, governmental, and educational organizations not able to afford legal representation; (iii) participating in activities providing information about justice, the law or the legal system to those who might not otherwise have such information; and (iv) engaging in activities to enhance the capacity of the law and legal institutions to do justice.

Standard 304. EXPERIENTIAL COURSES: SIMULATION COURSES, LAW CLINICS, AND FIELD PLACEMENTS

- (a) Experiential courses satisfying Standard 303(a) are simulation courses, law clinics, and field placements that must be primarily experiential in nature and must:
 - (1) integrate doctrine, theory, skills, and legal ethics, and engage students in performance of one or more of the professional skills identified in Standard 302;
 - (2) develop the concepts underlying the professional skills being taught;
 - (3) provide multiple opportunities for performance;
 - (4) provide opportunities for student performance, self-evaluation, and feedback from a faculty member, or, for a field placement, a site supervisor;
 - (5) provide a classroom instructional component; or, for a field placement, a classroom instructional component, regularly scheduled tutorials, or other means of ongoing, contemporaneous, faculty-guided reflection; and
 - (6) provide direct supervision of the student's performance by the faculty member; or, for a field placement, provide direct supervision of the student's performance by a faculty member or a site supervisor.
- (b) A simulation course provides substantial experience not involving an actual client, that is reasonably similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks in a set of facts and circumstances devised or adopted by a faculty member.
- (c) A law clinic provides substantial lawyering experience that involves advising or representing one or more actual clients or serving as a third-party neutral.
- (d) A field placement course provides substantial lawyering experience that (1) is reasonably similar to the experience of a lawyer advising or representing a client or engaging in other

COLUMBIA LAW SCHOOL
Externship and Field Based Learning Program

MEMORANDUM OF UNDERSTANDING

Name of Student: _____

Name of Supervising Faculty: _____

Name/Title of Field Supervisor: _____

Start Date/Fieldwork:

End Date/Fieldwork:

Columbia Law School's Supervised Projects provide opportunities for experiential learning in which students tackle the legal problems of real clients while gaining contextual, doctrinal and theoretical knowledge of the underpinnings of their work, while under supervision at field placements outside of the law school. This Memorandum of Understanding sets forth agreements that are necessary to further educational goals and compliance with the relevant standards of the ABA Standards and Rules of Procedure for Approval of Law Schools, specifically those found in Chapter 3, Standards 303 and 304.

The American Bar Association standards require:

a written understanding among the student, faculty member, and a person in authority in the field placement that describes...the substantial lawyering experience and opportunities for performance, feedback, and self-evaluation [the student extern will receive]; and ...the respective roles of faculty and any site supervisor in supervising the student and in assuring the educational quality of the experience for the student[.] **ABA Standard 304 (d)(i) (2018).**

Understanding of All Participants

The field work component of the project will provide substantial lawyering experiences reasonably similar to those of being a lawyer advising or representing a client.

Responsibilities of the Supervising Faculty Member (s)

1. The Supervising Faculty Member will meet periodically with the Student and provide opportunities for contemporaneous faculty-guided reflection about the Student's learning in the field placement.
2. The Supervising Faculty Member will review the Student's Statement of Learning Goals at the beginning of the externship and ensure that the Supervising Attorney has signed the Statement.

3. The Supervising Faculty Member will meet with the Student at mid-semester to review her/his progress toward accomplishment of the Learning Goals and more often as needed to assure educational progress.
4. The Supervising Faculty Member will ensure that the Student's performance is properly evaluated and timely provide a grade for all Students to the Academic Services office.
5. The Supervising Faculty Member will maintain regular communication with Field Supervisors, and will provide relevant materials and information, as necessary.

Responsibilities of Field Based Supervising Attorney/Judge

1. The Supervising Attorney/Judge has primary responsibility for the Student's learning at the field placement, including mentoring the Student and monitoring the progress of all assigned work, including any work assigned by other attorneys. The Supervising Attorney/Judge will meet with the Student to provide prompt, constructively critical and meaningful feedback regarding assignments and performance.
2. The Supervising Attorney/Judge will ensure that the field placement provides both multiple opportunities for the Student to perform meaningful legal work, which is directly supervised by an attorney or judge, and for the Student to engage in guided self-evaluation of the performance.
3. The Supervising Attorney/Judge will use best efforts to ensure that this meaningful legal work exposes the Student to the variety of legal tasks and issues that lawyers/law clerks at the field placement regularly do and allows the Student to develop legal skills, problem-solving skills, judgment and ethical sensibilities and professionalism. These should include, as appropriate: client interviews, counseling; case planning; negotiation; fact investigation; trials/hearings and preparation for them; policy development; legal research, analysis and writing; meetings and conferences; and guided observation of these activities.
4. The Supervising Attorney/Judge will meet with the Student at the start of the semester to discuss the feasibility of her/his Statement of Learning Goals and create an ambitiously realistic plan for the semester. The Supervising Attorney/Judge will sign the form only if it appears reasonably certain that the Student will have the opportunity to achieve the listed goals. The Student may amend the Statement and submit the revised document for signature.
5. The Supervising Attorney/Judge and other attorneys/clerks will not assign clerical tasks (e.g. filing, photocopying, library updates) to the Student, unless specifically related to an educational activity and normally part of the experience of other lawyers/clerks at the field placement.
6. The Supervising Attorney/Judge will provide an orientation to the Student at the first available opportunity, which includes an introduction to the personnel, resources, rules, policies, and operations that are helpful to performing assigned tasks or understanding the field placement's work.
7. The Supervising Attorney/Judge will meet with the Student at mid-semester to review her/his progress toward accomplishment of the Learning Goals and take steps as needed to assure educational progress.

8. The Supervising Attorney/Judge will provide an evaluation of the Student's performance to the Supervising Faculty Member at the conclusion of the semester and, if requested, more often. The Supervising Attorney/Judge should share the evaluation with the Student.
9. The Supervising Attorney/Judge will not require the Student to perform fieldwork at a time that conflicts with any other law school class or required event.

Student Responsibilities

1. The Student will meet periodically with the Supervising Faculty Member.
2. The Student will perform work assigned by the Supervising Attorney/Judge and other authorized persons at the field placement on a timely basis and satisfy the field placement hour requirement. The Student will establish a work schedule with the Supervising Attorney/Judge and seek permission for any changes or modifications in advance.
3. The Student will comply with the Rules of Professional Conduct of the jurisdiction in which the field placement is located and also with the known applicable rules, guidelines or policies of the field placement.
4. The Student will create a Statement of Learning Goals at the outset of the externship and will submit a copy of it that is signed by the Supervising Attorney/Judge to the Supervising Faculty Member.
5. The Student will complete an end-of-semester evaluation of the seminar and the field placement.

Dated:

Signature of Student: _____

Signature of Supervising Faculty: _____

Signature of Field Supervisor: _____