Learning From Experience

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Experience isn't what happens to you. It's what you make out of what happens to you.
— Aldous Huxley

Why Are You Doing an Externship?

Before deciding to do an externship, you undoubtedly considered how you would benefit from a field placement experience. Your decision might have been based on little more than a desire to get out of the classroom and obtain some real world experience or your reasoning might have been multifaceted. Consider whether your motivation to do an externship includes any of the following.

- To pursue particular learning goals that you define. Up to this point in your legal education, you have been told what to study and how to study. You have been given a syllabus and assigned readings. You have been led through a discussion of materials and were tested on those materials. In an externship, you have much more say about what you learn and how you learn it.

- To apply classroom learning to the real world. Classroom courses are relatively good at providing instruction in the law and legal reasoning, but it is in the actual practice of law that one can really understand the application of law to real problems. An externship provides an opportunity to apply your classroom learning to the real world of practice.

- To pursue personal growth and development. An externship provides a
place for you to learn professional skills and consider professional values. It offers an environment where you can improve the personal skills that contribute to professional competence and satisfaction. Through an externship you can improve problem-solving skills, and you can become more self-confident in work settings.

- To explore career interests. You might select an externship to try out a possible career path. You might discover that a path that seemed promising is not right for you. You might find a new career interest or confirm a choice you had made tentatively. An externship expands your opportunities for professional experience beyond summer and part-time employment.

- To provide service to others. You might choose a particular externship placement because it allows you to provide service to poor people, AIDS patients, people with disabilities, inmates, or another group of individuals with special needs.

- To increase your own awareness of community needs. An externship might provide opportunities to become aware of community needs and to work in a setting that seeks to address those needs. An externship in a local community development corporation, for example, might expose you directly to the unique needs of the homeless in your community.

- To work with persons different from you. If you stay in the classroom on campus, you might notice that you have little contact with elderly people, poor people, children, immigrants, or others whose life experience differs from yours.

- To improve your prospects for employment. Externships provide experience that employers will recognize. You often can produce writing samples that show how you think and communicate in a real work situation. A prospective employer then can judge you more on demonstrated abilities and less on the basis of your grades. An externship permits you to demonstrate other work-related competencies like perseverance, care, skill with others, creativity, and attention to detail.

- To build a professional network. Through an externship you can establish and build relationships with people in your own and other organizations. You can learn of potential job openings and develop contacts and references that will be useful when you are looking for a permanent job, a lead on an elusive research project, or someone with expertise in a particular area.

As you can see, externships offer many benefits, but the benefits are not a windfall. To reap the benefits from an externship experience, you must give careful thought to the selection of your placement, set goals for yourself, and reflect on your experience. You are no doubt prepared to work hard at the placement. You also
might be prepared to think hard about the experience. In this chapter we examine one of the concepts of learning from experience. Your study of this material will help you to take full advantage of the learning opportunities provided by your internship and will help you to benefit from experiential learning throughout your legal career.

What Is Experiential Learning?

All learning is, to some extent, experiential. Everything we learn must be mediated through one of the senses from our experience with the world. This book focuses on a more specific understanding of the concept of experiential learning. It is learning grounded in a personal experience in an authentic setting. An authentic setting is one that is closely similar to the actual setting in which knowledge acquired later will be used.

Knowledge gained through experience is different both from "theoretical knowledge," which concerns the general or abstract principles connecting a body of material, and from "empirical knowledge," which is acquired through confirming and disconfirming evidence found in examination of data. Experiential knowledge rarely is sufficient to prepare for a job, especially a complicated one. Experiential learning usually requires the application of theoretical or empirical knowledge gained in other learning experiences. Many jobs, even simple ones, rely on written materials and classroom instruction to teach employees some of what they need to know to perform the job. In a law school clinic or at an externship placement, you will apply and test the theoretical and empirical knowledge that you have gained through reading in other law school courses or elsewhere. Experiential learning in law school offers an added dimension of personal experience with lawyers and lawyering.

Making the Most of Experience

Experiential learning should be distinguished from merely experiencing. It is what you do with experience that determines what and how much you will learn from it. Experiential learning comes from the active processing of experiences. The process of learning from experience is cyclical. As the model in Figure 1.1 illustrates, the field experience itself is only one part of a cycle of experiential learning. To maximize learning from experience, you need to plan for the experience, have the experience, reflect on what happened, and integrate or synthesize what has been learned with existing knowledge and other sources of learning. On both the macro and micro levels, you will gain the most from your externship experience through this process of planning, doing, reflecting, and integrating.
Figure 1.1 The Experiential Learning Cycle

While each of the elements of the experiential learning cycle is necessary for successful learning from experience, the most central elements are planning and reflection. Your externship will be most effective if you set goals and objectives for your externship. You should develop a plan for approaching each task with thorough preparation and active reflection. Before setting out on a long vacation, you may spend a significant amount of effort in thinking through how you want to spend your time by considering which experiences you want to have and which you want to avoid. Is your goal to learn something new or simply to pursue your favorite recreational activities? Similarly, to achieve your overall objectives for the externship, you must plan for the externship by clearly articulating to yourself goals and objectives that you will seek to achieve. Once you have begun your placement, you will undertake a large number of discrete tasks as you fulfill your assignments. Just as you will outline what you want to say before attempting a first draft of a brief, you must plan adequately before undertaking to accomplish each task and learning opportunity within the externship. Goal setting and planning are critical elements in learning from experience.

Reflection is an equally important element of experiential learning. It is the process that turns experience into learning. While you are preparing for the fieldwork experience, you reflect to explore what is required at the placement, what demands the setting will place on you, and what resources it has to facilitate your learning. Reflection during the externship is necessary to sort through your experience as it happens. Observations and actions might occur in rapid succession, leaving insufficient time to analyze and integrate your learning. Periodically, you should draw back from the experience to digest what is happening. After the externship ends, you will use reflection to make sense of the experience, to integrate your understandings into your knowledge base, and to prepare for new experiences.

Reflection can be a solitary or a communal activity. Much of your reflection
CHAPTER 1 | LEARNING FROM EXPERIENCE

Involve thinking quietly, turning events over in your mind, and trying to make sense of your experience. You might keep a journal to record some of these solitary reflections. Reflection also occurs communally in formal and informal class discussions. Your seminars might be devoted in part to reflective activities such as group discussions or presentations. Each of these will help you process the vast quantity of information that comes from your externship in order to enhance your learning from experience.

Plan, Do, Reflect—The Big Picture

On a "macro" level, you should begin your externship experience by planning for it. This involves setting realistic goals and objectives for yourself. What do you wish to accomplish through the externship? What do you want to be able to do upon its completion that you now cannot do? What skills do you want to learn or improve? During your externship you should revisit your initial goals statement from time to time to reflect on and to evaluate your progress toward meeting your goals and objectives and to revise, as necessary, your goals and objectives in light of your experiences. At the end of your externship, you should take some time again to reflect on the total experience, to take stock of what you have learned and to integrate your new knowledge with your existing knowledge base as you prepare for your next set of experiences. You may find it useful to skim the final chapter of this book, Looking Back, Looking Forward at this time and return to it at the end of your placement experience.

Plan, Do, Reflect—Specific Tasks

Let us examine how the model illustrated in Figure 1.1 might apply in a typical externship. In this example, we are focusing on the application of the idea of an experiential learning cycle in the "micro" sense. That is, instead of focusing on the entire externship experience, we want to focus on a specific experience within the externship.

Plan

Assume you are in a judicial externship and have been asked to draft an order for your judge to grant or deny a motion to vacate a default judgment. Before you begin drafting the order, you will want to think through some personal goals for the project. For instance, you might want to use the order as a writing sample. Will this be possible, since ultimately the order will be signed by the judge? You might want to use this task to get feedback on your legal research and writing skills. What specific skills do you want to improve? What type of critique and feedback do you want? You might discuss the task and review your learning goals with your faculty supervisor and seek the supervisor's input. After thinking about what you want to
accomplish, you might devise a work plan that sets a timetable for accomplishing each research and writing task.

**Do**

Next, you execute your plan. You reread the motion, the opposition, and the supporting memoranda filed by the lawyers. You reread the applicable rules of civil procedure. You review the cases that seem closest to the facts of the case before you. Then you compose a draft and revise it several times before you present a polished draft order to the judge suggesting that she deny the motion to vacate.

The judge thanks you for your work. She suggests some changes in your writing style, such as, to use active rather than passive voice. More surprisingly, she says that she has decided to grant the motion even though your conclusion was appropriately supported by the cases that you cited. She explains that case law in the area gives judges considerable discretion in deciding whether to vacate a default. She believes that every defendant should have an opportunity to have a trial on the merits of the plaintiff’s claim, barring extreme circumstances not present here. The preparation and drafting of your order and the judge’s feedback is a concrete experience or doing in the model.

**Reflect, Analyze, and Integrate**

After meeting with the judge, you reflect on the experience. You could talk to the judge’s clerk to get another perspective. You could write a journal entry about your experience. You could talk to other clerks or judicial externs or read articles about writing style or standards for reopening a default judgment. You could think about how to incorporate the judge’s suggestions on your writing style in other writings you will do. On the standard for default judgment, you consciously or unconsciously will form theories, ideas, and concepts about the authority of judges, the uncertainty of the law, the discretion of judges, the process of judicial thinking, ways of presenting and opposing motions to vacate default judgments, and other matters. Although you might not think about all of these topics, and you might think of others, some reflection and analysis should lead you to integrate your learning from this experience with prior knowledge to create new, or to modify existing, knowledge.

**Apply**

The next time that you are asked to draft an order for the judge, you will use the ideas and impressions you developed in your earlier experience. By applying your new knowledge to another task, you begin a new cycle of learning. One application might relate to dealing with your fieldwork supervisor. You, for example, might have
realized that you could work more efficiently if you had a model from which to work. When you get your next assignment, you might decide to ask the judge or the judge’s clerk if there is a model that you could review. Or you might ask whether the judge is inclined to decide the matter one way or another. Some judges prefer that externs draft opinions without knowing the judge’s inclination because the draft provides a fresh perspective for the judge, and the process gives the student a chance to work out the problem independently. Other judges are willing to give some guidance at the outset, based on their own reading of the papers or on the oral argument.

Further Reflection

Reflection is an element of the learning cycle that you can employ at every point in the cycle. You can reflect on your planning and on your performance of specific tasks during the externship. You also can reflect on the set of experiences such as we just described. This set of experiences might give you ideas about how you would approach a judge as an advocate seeking the judge’s exercise of judicial discretion in your client’s favor, that is, thoughts about what factors make an argument attractive. You might want to think about how willing you would be to vacate default judgments if you were the decision maker or what you see as the best policy. To what other kinds of reflections could this experience have led? What other ideas might you have developed? How might you use experiences like this to promote more self-directed learning in your externship or in your career as a lawyer?

This example illustrates how much more could be learned from this experience than, “Next time I am asked to draft a motion to vacate a default judgment, I will draft it to reopen unless certain conditions are met.” You might not be asked to do this task again during the externship or during your work life. The learning value is greater if you are able to generalize more broadly from your experience. Then you can extrapolate from your experience to related, but not identical, situations.

Experiential Learning and Adult Learners

Experiential learning is especially suited to adult learners. For many years, educators at all levels saw themselves as transmitting knowledge to their students. Teaching was an active process. Learning was a passive one. Research into teaching and learning has cast doubt both on the efficacy of the transmission model and on the desirability of treating learners as passive recipients of knowledge. Fortunately, many law professors now use teaching techniques that permit students actively to construct knowledge. There is, however, a limit to how much active learning can occur in a large classroom. Clinical experiences, including externships, can enhance students’ opportunities for active learning.
Most law students approach clinical experiences, such as externships, with excitement about moving into the real world to learn something about what real lawyers do. This enthusiasm is consistent with research observations about the educational preferences of adult learners. Most people prefer to be active participants in the learning process rather than passive recipients of knowledge. By the end of the first year of law school, most students are eager to get out of the classroom and begin working in actual legal settings. Students desire relevance and often learn better if they understand the relationship between the learning activity and some specific learning goal. In the traditional law school classroom, this desire for relevance is apparent in the frustration experienced by many first-year students before the end of the first semester. Their desire for relevance is reflected in their belief that they are in law school to learn the law, the black letter law. The desire for this particular relevance, admittedly misplaced, as first-year students eventually come to see, is frustrated by the professor's seeming unwillingness to teach what students think they want and need to know.

Adults seek authentic learning situations. Adults who want to acquire new knowledge or skills generally seek to learn what they want to know by engaging in the skill or activity in a setting where the skill or knowledge is used. In other words, adults tend to learn in settings other than classrooms. This attribute is perhaps best illustrated by the fact that after the first year, or even after the first semester, law students tend to seek legal employment or enroll in clinics because they prefer learning the law in the field to learning it in classrooms. Because they have had more experience than younger students, adults need acknowledgment of their past experiences and existing knowledge. They can draw upon their extensive knowledge and experience in subsequent learning activities. Our emphasis on adults is not intended to deny that children as learners often have similar approaches, needs, and preferences. Rather, our emphasis recognizes that the depth and breadth of experience brought to learning situations by adults differs substantially from the prior experience of children. This depth and breadth of experience deserves to be recognized in formal teaching and learning settings.

Adults bring to the learning situation their own learning style preferences. We do not all learn in the same way. You probably have noticed differences in learning styles between you and others. Assume that you want to learn how to compose and deliver an opening statement in a criminal case. Would you prefer to read about opening statements in textbooks, go to the courthouse to watch prosecutors and defense attorneys in actual trials, or deliver an opening statement and have it critiqued by an expert? Perhaps you would do all three. The starting points and types of activities you select say something about your preferred learning style. Your preference is not necessarily the best choice or the only reasonable choice among the available methods of learning, but it is your own personal choice.
Adults want to be autonomous and self-directed in developing learning goals. Adult learners accept that instructors and formal programs of instruction are not the only, or even the primary, way they will learn and are willing to take a greater share of responsibility for their own learning. In most classroom settings, the course syllabus is developed by the instructor and the learning goals and methods are dictated by the instructor. This is contrary to the learning preferences of most adults who prefer to establish their own learning goals. In an externship, the extern assumes primary responsibility for his own learning. The fieldwork supervisor and the faculty supervisor provide coaching, mentoring, support, and feedback, but the extern defines learning goals and takes primary responsibility for seeking tasks and feedback on performance of those tasks.

Summary

In this chapter we have described what research and education theory tells us about adult learning. We have introduced the idea of learning style differences among individuals. The concepts introduced in this chapter provide the foundation for the other chapters in this book. The experiential learning elements of planning and reflection are raised throughout the text in many different contexts because they are central to the successful completion of an externship.

The purpose of this book is to help you learn as much as possible from your externship about the skills and values you will need as a lawyer. The readings, exercises, journal questions, and other materials suggest methods to maximize experiential learning at your placement through the cycle of planning, doing, reflecting and integrating. We believe this book offers a menu of possibilities. Different readers will find some parts more useful than others. We encourage you to choose what seems most useful to you, but also to try new things. Most of all, we urge you to enjoy your field experience.

As you continue your lifetime of learning, much more of your learning will come in settings like your externship. After you graduate, you will rarely turn to formal classrooms and textbooks to learn what you need to practice law. Take the time to learn all that you can from your externship. Do not be satisfied with merely having experiences. Take advantage of this opportunity to improve your ability to learn from experience by planning and reflecting consciously and frequently. You will use these skills for the rest of your professional life.
‘Be a sponge’ and other advice to help students succeed at summer internships

Four tips for having a career-changing summer

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By Steve Givens

As students begin to leave campus for the summer, many will head off to internships, hoping to add to their classroom experiences and enhance their future opportunities by immersing themselves in the real world of work.

It’s a great way to spend the summer, said Mark Smith, Washington University in St. Louis’ associate vice chancellor for students and director of the Career Center, but to get the most out of the experience, it’s imperative that students have a clear plan.

"An internship can be the start of a great career, a way to make some money, a way to find out what you really like — and don’t like — a way to confirm and fulfill your passions," Smith said. “But you need to have a plan and the people you work with and for need to know about it.”

Essentially, Smith said, it comes down to these questions: What do you want to know about yourself, the industry in which you are working, and the function you are performing? And what can you can learn by the end of the summer and incorporate into your career planning and course choices when you return?

Smith offers four tips that will help make a summer internship more meaningful and productive.

1. It’s essential to communicate upfront to your supervisors what kinds of experiences you want to have before the end of the internship.

“Don’t assume that the people you are working with will automatically know what you want,” Smith said. “You need to communicate the learning experiences and exposure you’d like to get in this very short time frame. Don’t let past interns determine your summer. Your needs and goals are unique to you. Be professional, be clear, and don’t give up. Most everyone at your firm is inclined to want to see you have a positive experience. Let them know what that experience looks like from your perspective.”
2. Find informal ways to meet others within the organization.

"Grab some coffee with folks you don't work directly with," Smith said. "Set up lunches every week with people who are interesting to you, outside of your area. People love to talk about their work and careers — their achievements, their challenges, where they want to go next, and what they would recommend to you. By doing these things you will stand out, build a network of associates, and most importantly, learn what you need to know about where you want to direct your career passions when you return to school."

3. Set high expectations and make the most of the experience, especially in the first four weeks.

"Be a sponge," Smith said. "Do more than expected. Contribute in ways outside of the scope of the role they gave you. It will open opportunities that they, and you, hadn't considered at the beginning of your program. If you don't do this at the start, and you wait for the internship to evolve, you won't optimize your learning experience."

4. Keep a journal and ask yourself questions such as:

  • Do I really like working for this size of an organization?
  • Is this type of organization the best way to start off my career?
  • Would I want to spend eight hours a day working with people who do this kind of work?
  • Would I be happy starting my career in a rigid culture that pays well, but which doesn’t offer me the personal independence I am used to?
  • Is it critical to get a graduate degree to be promoted in this industry?
  • Where do those around me get their personal and professional satisfaction?
  • How do professionals in this organization keep up with all the new developments?
  • How do you get promoted in this industry?
  • Which are the best organizations in this industry? Why are they the best?

Smith emphasizes that upfront planning and hard work are the keys to a successful internship.

"Every summer thousands of interns realize, too late, what they could have experienced, if they only communicated at the beginning what they wanted, and given 110 percent from Day One," he said.
Setting Goals and Developing a Learning Agenda

As Yogi Berra says, those who have an idea where they want to go are more likely to get there—or if not there, somewhere else they might like to go. Workers in all types of jobs like to have some control over what happens to them. Some of the lawyer dissatisfaction reported in recent studies can be attributed to lawyers' feelings of lack of control over their work lives. Conscious recognition of your goals for a work experience and forging your own path to achieve those goals may give you greater control over your professional life.

Law school externship courses differ with respect to how much choice a student is expected to exercise in placement selection. At some schools, students have broad latitude to choose among many placements depending upon their individual goals. At other schools, students are assigned to a particular fieldwork supervisor by the faculty member in charge with no prior input from the student. At others, the faculty supervisor places the student but takes into consideration interviews or written material from students and placements in making a match.

In programs with broad student choice, students usually are required to assess their learning goals for the externship at the outset. Discussion of these learning goals with the faculty supervisor may be an integral part of the course. In
externship programs in which the faculty supervisor makes the placement assignment, there still are important reasons for students to consider their learning goals for the externship.

Even if your placement choice has been made for you, there will be many options for what your experience could be like on a day-to-day basis. In a classroom course, the teacher can assign every student to read the same material and answer the same questions. The real world is less predictable and controllable. Every day at your externship you will have choices about what opportunities to seek, and your fieldwork supervisor will have choices about which learning experiences to offer. Thinking about what you want from the experience and communicating those interests to your supervisor can enhance your learning significantly.

When students first express their goals for externships, their responses tend to fall into four categories:

- skill development;
- exploration of what type of job to seek after law school;
- desire to learn about a particular substantive area of law or legal institution, often combined with the desire to enhance credentials and make professional contacts;
- consideration of how to find satisfaction in work and balance with personal life.

Other chapters of this book provide background information that can help you turn vague instincts about what you may want to learn into more precise goal statements. Many students also are motivated in fieldwork by a wish to serve others, like people in economic need or those with a particular type of problem. For many students, this interest in service coexists with interest in what can be learned from the experience.

**Exercise 2.1** Think about your goals for your externship. Write down all the things that come to mind. Do not self-censor. Do not worry about grammar and punctuation. Use whatever format comes most easily. This is a first step to get your creative juices flowing on a goals statement that you later will be willing to discuss with others.
**Exercise 2.2** If you are feeling stuck for ideas about goals through the deductive approach in Exercise 2.1, try an inductive one. Look at Chapters 14-15 and Chapter 18. Those chapters inventory some possible goals and provide assessment tools.

See if your program has descriptions of externships or descriptions/evaluations of experience by past externs that you can read. Talk to other students who have done externships about what they did and what they think were the greatest benefits. Ask lawyers about the most important things they learned in their first jobs. Make notes on what seems appealing and unappealing in what you read and hear. Try to figure out why you categorized things each way. For example, did experiences with more writing tasks seem more appealing or less appealing? Did the amount of client contact seem to make a difference? Were you interested by possibilities in a particular field of law?

Assume your first thoughts on goals are to

* develop my representation skills in criminal prosecution,
* improve my research and writing,
* consider whether I want to be a criminal prosecutor.

After you make your initial list of goals, try to refine your goals to clarify their meaning. Think about what kind of experiences would be attractive to you in pursuit of the goal. Consider the range of options within your first goal. Criminal prosecution can involve a broad array of skills, including fact investigation; interviewing; counseling; negotiation; statutory analysis; exercise of discretion in charging; and oral advocacy in openings, closings, direct and cross-examination. Consider which of these skills interest you most.

Understanding your goals can guide the fieldwork supervisor in choosing your assignments. The range of possible assignments in a prosecutor’s office may vary widely. Refining your goals will enhance your ability to talk with your supervisor about what you would like to do.

Assignments in the misdemeanor division may provide experience in opening and closing statements, direct and cross-examinations, and responses to motions to suppress, but the issues arising in such cases may be repetitive and require little original research and writing. Assignments in the appellate division of the same office may provide opportunities to develop research skills and a thorough understanding of the substantive law. Appellate assignments, however, do not offer exposure to the pace, pressures, and demands of day-to-day prosecution in the trial courts where
new prosecutors often begin their careers. In a smaller prosecutor's office, trial and appellate functions might be handled by the same lawyers rather than by different divisions, but the work in each area is likely to differ in the ways previously described. Doing both trial and appellate work may help you to think about whether or not you want to specialize in one or the other.

In addition to thinking about possible work assignments, consider what events you might like to observe or attend, for example, trials, status conferences, or in-office strategy meetings. You may not be informed about these or invited to attend unless you indicate interest. Your field supervisor may be able to arrange for you to attend in-service training. If supervisors know that career planning is an important goal for you, they may pass on articles or notices about speakers or information about a student division of a relevant professional organization.

A second way to refine goals is to review the pertinent experiences you already have had. This will prompt you to think about what you want to learn next and what existing knowledge you might want to apply or build on. If your goals are like the prosecution hypothetical above, pertinent questions might include the following: What experience did you have with the criminal justice system before coming to law school? Have you taken a simulated trial advocacy course? What relevant academic courses have you completed? This review also may remind you of background to add to your résumé or to mention to the fieldwork supervisor.

A third way to refine goals is to consider alternate meanings for terms in your draft goals statement. This will help you to avoid miscommunication with your supervisor about your interests. In using the term "legal research and writing," some students mean drafting of motions or other pleadings, while others are thinking of the in-depth legal analysis needed to write appellate briefs or research memos. Some students hope to produce a writing sample that could be offered to future employers. It is helpful for a supervisor to understand which of these ideas are expressed in the goal of improving legal research and writing.

While most externships offer chances to pursue multiple objectives, placements differ in what they offer and no placement serves every possible goal. The previous contrast of appellate and misdemeanor assignments in a prosecutor's office illustrates how placements may vary in their capacity to further different goals. You should consider not only the learning objectives that you have for an externship, but also the relative priority among those objectives: Which are the most important to you in this externship? In choosing and pursuing your externship, you should stay focused on your desire to meet your most important goals.
Discussing Your Learning Agenda with Your Fieldwork Supervisor

Exercises 2.3 and 2.4 ask you to refine ideas about goals and experiences that would seem to further them. You should think about the goals and experiences that you desire before you go to interviews so you can explore how likely it is that your wishes and the placement’s reality will mesh. You do not want to find out that the externship is not what you had in mind after you have accepted the position.

We refer to the Learning Agenda or Goals Memo as a draft throughout this discussion because it is an evolving document that is important for the processes that it guides and tracks. In a sense, it never becomes final. Chapter 20 suggests rereading your Goals Memo before a wrap-up discussion of your externship. It is fine if a goal has not been achieved or if you missed some experiences on your initial draft. Other goals and experiences may have taken the place of those first articulated.

The first purpose of formulating the agenda or memo is self-direction: to push you to think about what you want from the externship and what kind of experiences
might lead you to those goals. A second purpose is communication with your fieldwork supervisor. The initial discussion of your draft communicates specific hopes and expectations.

This communication should stimulate the supervisor to think about learning possibilities at the externship and to create a mental tickler of your desired opportunities. Student goals vary widely. If the supervisor does not know your preferences, the supervisor may assume that you would like to do what she wanted to do as a student or what the previous extern preferred. The assignments based on those assumptions may not mesh with your wishes. I have seen students working with trial judges who were frustrated when they were given few research and writing assignments. I have seen other externs working with trial judges who were frustrated with research and writing assignments because these students felt this experience was available in law school. These students preferred taking in-court trial notes, organizing pleadings, talking with lawyers, and other experiences that seemed different from law school. Communicating preferences to your supervisor at the outset can avoid such mismatches.

Discussion of goals and experiences with a supervisor often stimulates the supervisor to suggest additions to the document. Your supervisor might suggest that your goals and preferences for experience are not realistic in the externship. It is well to identify anything that will be impossible early on to avoid later frustration and resentment. You can then discuss alternative work that might support your goals. Occasionally this discussion may reveal that the externship will not provide what the student desires, and other arrangements should be made.

Understanding your goals may prompt a supervisor to talk to you during the semester about topics in which she otherwise would not realize you had an interest. Think back to the hypothetical goal of “consider whether I want to be a criminal prosecutor.” In the “experience” column, you might have written, “Talk with prosecutors about their likes and dislikes of the job.” Many supervisors enjoy the mentoring role with a student and offer advice freely with little prompting. Others may be hesitant to make the time unless they know the student is interested.

In addition to its uses as a thinking and communication tool, the Learning Agenda or Goals Memo functions as a base or touchstone as you proceed through the experience. You should look at the draft periodically during the semester and think about your progress toward these goals. You also should review it with your supervisor at least once during the semester to see how the actual experience squares with your initial discussions. The agenda helps you to say to a supervisor, “I have been able to do A, B, and C. I haven’t been able to be involved in any brief writing yet. Do you think there will be a chance to do that with the weeks left in the semester?”
Exercise 2.6  Mark your calendar at intervals that you select or that are assigned by your faculty supervisor. At these points, look at your agenda/goals and assess your experience thus far. Amend the original document if you have changed course. Appendix 2.4 to this chapter is a time sheet form that assists students to in assessing how their time is being spent. Even if your teacher does not require this form, you might keep this record to see if the way you are spending your time matches your goals for the externship. Look back at your journals to see if they also remind you of things you would like to raise about the way your experience has matched your goals. If there are items that still are of interest but have not been addressed, make notes about your concerns. Consider the best way to raise the concern with your supervisor. If you are not sure how to raise your concerns, talk with your faculty supervisor. These agenda reviews can provide fertile material for journal entries.

Identifying Learning Opportunities at Your Placement

When you write your initial goals statement, you may feel that you do not know enough about the externship, or legal work generally, to define everything that you would like to do. Even so, it is a useful starting point. No matter how much advance thinking you have done, there doubtless will be new opportunities and possibilities that you will discover once at the externship.

Keep your eyes and ears open. Talk with others in the externship. Lawyers, externs, and staff all can provide useful information. You can enrich your learning about skills, the profession, or the substantive law, and you may identify work at the externship in which you want to be involved. There may be docket sheets, annual reports, or staff meeting minutes that your fieldwork supervisor would be willing to share.

Ask whether you can work on projects that interest you. You must be ready to accept no for an answer, but volunteering for work suggests that you are interested and have initiative. Many supervisors do not have the time to consider all the alternative work in which you might be involved. Your communication about desired goals and experiences can expand the possibilities.
Measuring Whether You Are Achieving Your Goals

Up to now we have focused on formulating goals, identifying experiences that might further them, and sharing your draft ideas with your supervisor. This section challenges you to set “measurable objectives”—particular outcomes that demonstrate progress toward a goal. Many businesses, government, and non-profit organizations stress putting organizational goals into objectives that are demonstrable and can be measured. Strategic planning documents often are written this way. Employees may be required to write annual goals, and their review may be a part of the performance evaluation process.

Two ways of thinking about measurable objectives are presented in this section. The first is to develop benchmarks for the experiences you listed as desirable in your Learning Agenda. Benchmarks define how much of that experience you seek. Recall your hypothetical goal “develop my representation skills in criminal prosecution.” Suppose your listing of experiences included “gain experience in interviewing witnesses.” Developing a benchmark for this experience means considering how much of the experience you think will give you the competence level you seek from the externship. Do you mean two witnesses or twenty? Ideas about benchmarks and their review should help you to focus more clearly on your expectations and keep track of your progress.

Exercise 2.7 Look back at the goals and experiences described on your Learning Agenda or in your Goals Memo. Jot down some ideas about benchmarks for how many repetitions of each experience you contemplated. You may then tell your supervisor when you want more of an experience or that you are ready to move on to something else.

A second way of writing statements of measurable objectives toward meeting a goal focuses on how attainment of a goal would be defined, manifested, and measured. Objectives statements of this type should include

- standards for what would constitute achievement of the goal,
- active verbs that specify the behaviors that would be exhibited if the objective were met,
- results that can be objectively measured.
In some aspects of life, the standard defining success is unambiguous, for example, a single quantitative measure. A runner who wishes to set a record in the 100-meter sprint knows the standard defining success. Runners and trainers, however, might differ on optimum training objectives in such matters as strength, endurance, or concentration in pursuit of the ultimate goal of breaking the speed record.

Articulating standards by which to measure achievement can be one step toward achieving the goal. Consider the goal of "improve my research and writing." Careful thought about what makes a good legal researcher in itself may improve your research skills because of the review of research tools and strategies required. The runner's thoughtful review of what training regimen would improve her chances could provide analogous benefits.

If we asked a number of lawyers to define a good researcher, we likely would not find complete agreement, although we would expect themes to emerge in the answers. Consideration of questions to which there are not clear, single answers requires assessment of the weight to be given to different opinions. We likely would give greater weight to the opinion of lawyers with reputations for doing high quality research.

In formulating a standard for good legal research, you could review what you learned in first year legal research regarding standards. You could think of what others have said and ask others who you think are proficient, and so on. You might describe a good legal researcher as someone who

- knows how to use manual and automated research tools;
- understands how tools are organized in order to consider their strength and weakness for various research tasks;
- consistently finds sources efficiently, for example, with a minimum of expenditure of time and other resources;
- separates material found by degree of pertinence;
- produces answers that satisfy those who gave the assignment;
- is thorough enough that adversaries and colleagues do not often find relevant material that the researcher missed.

It may be useful to break down these statements further with respect to what needs to be learned to achieve the standard. For example, the first item might be broken down by enumerating the tools that a good legal researcher should be able to use. The number of available research tools is burgeoning so quickly that you may want to talk to lawyers in the externship about which tools they have found most effective for their legal work. You could ask the same questions of reference staff at your law library. Consider the range of tools that are available at your externship, for example, whether computerized research is an available option.
In addition to defining standards, consider how to measure their attainment. Measurement can be quantitative or qualitative. The runner may be able to set a quantitative measure for some training objectives, for example, pounds moved and repetitions on strength exercises, endurance goals in distances run. The runner's training objectives on technique or concentration may have to be judged by qualitative assessment by the runner and others who observe the runner. Few outcome objectives in internships will lend themselves easily to quantitative measures. More often, you will need to assess what you have done and consider the feedback of others.

A good researcher is someone who "produces answers that satisfy those who gave the assignment." If your supervisor knows you are interested in improving research skills, you may be given more feedback as you research.

**Exercise 2.8** Look at the goals listed on your Learning Agenda/Goals Memo. What do you already know about standards to define accomplishments of your goals? What could you read or with whom could you talk in order to test your ideas on standards and get additional ideas to define accomplishment of the goal? Write some objectives statements for each goal that reflect standards for achievement. Include an active verb on how achievement would be demonstrated. Refer to a measurable outcome. Consider how and by whom the outcome would be measured. Recall the hypothetical's goal "develop my representation skills in criminal prosecution."

Suppose you wish to concentrate on the skill of fact investigation. How can you evaluate your progress on this skill? You might discipline yourself to look back at interviews and case preparation at later stages in a matter to ask yourself (and perhaps others as well) what you missed initially, consider why, and determine how to improve your efficiency in the future.