

UB LAW

**Attorney Practice Internship
Supervisor Manual**

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UNIVERSITY OF BALTIMORE SCHOOL OF LAW
Attorney Practice Internship Program

SUPERVISING ATTORNEY MANUAL*

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*Adapted from the Greater Los Angeles Consortium on Externships Field Placement Supervision Manual.

I. EXPERIENTIAL LEARNING AND THE PROCESS OF BECOMING AN ATTORNEY

The University of Baltimore School of Law Attorney Practice Internship Program has a number of educational objectives, including exposing students to different models of lawyering skills, helping them acquire greater insight into the process of lawyering, developing students' sense of professional responsibility, and guiding them towards an awareness of and ability to reflect on and learn from experiences. Performing lawyering tasks is important, but just as important is the process of experiential learning in which students learn to reflect on their observations so that they can make sense of their experiences and can integrate that reflection "to create new, or modify existing, knowledge."* While specific subsidiary learning objectives vary, the following learning objectives are applicable to every student: communication skills, problem solving, effective workplace and business skills, professional ethics, social responsibility and pro-bono service, and reflective learning.

In order for students to understand the legal context in which they practice, they need to reflect on a number of issues such as: (1) the relationships between the attorneys and support staff, clients, opposing counsel, and judges; (2) the lifestyle and demographics of such an attorney including gender, race, age, salary, and working conditions; (3) the relationship between the legal work and attorney values, perceptions, and concepts of self-worth; and (4) ethical conundrums inherent in the practice of law.

UB encourages students to discuss their observations with you and look to you for your opinions about the legal system and the lifestyle of an attorney specializing in your particular field of practice. Students are required to reflect on their experiences in journals as the process of writing complements the process of reflecting. Please have a discussion at your earliest convenience regarding the scope of confidentiality for the written journals. This provides an excellent opportunity to discuss with the student the ethical and legal parameters of client confidentiality and any specific rules which your office may have regarding client loyalty and privilege.

You provide students a wealth of opportunities not only to practice law, but to experience and reflect upon the socialization process of becoming an attorney.

II. PROVIDING STRUCTURE FOR AND FEEDBACK TO INTERNING LAW STUDENTS

During the time you supervise UB's interning law students, you are providing a critical part of the students' legal education. Since our students earn a substantial number of credits for interning, UB is understandably concerned that they receive challenging work and regular, effective feedback.

* J.P. Ogilvy, Leah Worthman & Lisa G. Lerman, *LEARNING FROM PRACTICE : A PROFESSIONAL DEVELOPMENT TEXT FOR LEGAL EXTERNS*, 6 (West 1998).

HOW TO STRUCTURE THE INTERNS' EXPERIENCE

1) BE PREPARED FOR THE INTERNS' ARRIVAL.

Some internship placements have formal, well-established internship programs that provide new interns with materials describing everything from the structure of the office to the interns' duties to the local eateries. It is far more common, however, to find that placements, whether large or small, run their internship programs more informally. While there is nothing inherently wrong with some informality, students regularly report that early in the internship they spend a significant amount of time figuring out what they are supposed to do and what is expected of them.

You can avoid this problem by taking a few steps to prepare for the students' arrival. First, ask yourself what you expect the interns to do in your office. Will they be working primarily with one attorney or several? Who will be primarily responsible for assigning and reviewing work? Who will oversee the interns' assignments to ensure the students receive appropriate work that has sound pedagogical value? These are basic concerns for all students and it helps everyone if you have these issues settled before the intern starts work.

When the student arrives, take the time to conduct a brief orientation to the office. Particularly in large offices, it is very helpful if the student receives a tour of the office and is introduced to people he or she will need to know. Explain up front your expectations and the student's obligations.

Ideally, before the first assignment is distributed, each supervisor should meet with the intern to discuss the intern's educational goals for the semester. This process can take place when the supervising attorney and the intern complete the student's learning contract.

2) PROVIDE APPROPRIATE AND WELL-DEFINED ASSIGNMENTS.

Perhaps the most common intern complaints concern the type and/or number of assignments and the attorneys' failure to explain precisely what they want the student to do. These problems can easily be solved if one supervising attorney or clerk acts as a "clearinghouse" through which all assignments must pass. That attorney should gather potential assignments from other attorneys and review the proposed work before it is assigned. In this way, the placement can ensure that the assigning attorney has provided an adequate description of the work required and has equipped the student with enough background information to get the work done. In addition, if one person takes responsibility for all intern assignments, she or he can make sure that the student has neither too much nor too little work and that the student does not get bogged down with an assignment that is too burdensome or has only marginal educational value. At some placements, attorneys who wish to assign work to an intern use a standard "Request for Intern Help" form in which they describe the assignment so the proposed task can be reviewed and approved before it is passed along to a student intern. For more specific suggestions on designing and structuring assignments, see the checklist at the end of this section.

3) ARRANGE WEEKLY CONFERENCES WITH YOUR INTERN.

This suggestion seems obvious, yet it is often overlooked. Because all supervisors are extremely busy practitioners, it is very easy to let weeks go by without spending any time one-on-one with your intern. But from the law school's perspective, it is essential that all students meet individually with their supervisors at least once a week to check in, review completed work, address any problems and discuss future assignments. If you schedule a weekly standing appointment to meet with your intern, you are far less likely to find that your daily work prevents you from regularly meeting with the student.

B. How to Provide Useful Feedback

1) PROVIDE FEEDBACK ON ALL ASSIGNMENTS.

The assigning attorney should provide timely feedback on every assignment the intern completes. Obviously, the nature of the feedback will vary depending on the type of assignment involved: a short research assignment resulting in a brief oral report may only warrant a five or ten-minute conversation, while a substantial written project deserves more time and attention. Students consistently report that receiving regular feedback throughout their internships highlights their areas of weakness and greatly improved the learning experience. In addition, constructive feedback benefits the supervising attorneys who see vastly improved student performance.

When UB talks about "providing feedback," we do not mean to suggest that the attorney should offer suggestions and the student should sit passively and accept those suggestions. Students will get far more out of a discussion when they are actively involved in evaluating their own performance.* To that end, students should be encouraged to assess their own work and to provide suggestions as to how the work could be improved.

2) SOLICIT THE STUDENT'S ASSESSMENT OF HER PERFORMANCE.

When reviewing an intern's work it is useful to first ask the student to evaluate both the assignment and his or her own performance. For example, did she think the assignment was appropriately challenging? Was it too difficult? Was the project adequately explained so he knew what was expected of him? If she encountered obstacles or questions along the way, did the assigning attorney provide helpful guidance? Is the student satisfied with his own performance? If not, what changes would he make? These questions will not only help focus the conversation, they will force the student to reflect on the work she or he has done and what could have been done to improve it. The student is far more likely to accept suggestions for improvement if he or she has independently recognized the areas that need attention.

* See generally A. Alexander and J. Smith, A Practical Guide to Cooperative Supervision for Law Students and Legal Employers, 29 Law Office Economics and Management 207 (1988).

Furthermore, the student's assessment may help highlight problems that need to be addressed: perhaps problems with the final work product were created by the attorney's limited description of the assignment or by the student's unfamiliarity with the necessary research tools. If the attorney elicits the student's impressions, these issues can be uncovered and handled more effectively.

3) PROVIDE CONSTRUCTIVE FEEDBACK.

Most intern supervisors are very concerned with making the student's internship pleasant and, as a result, may shy away from the sometimes uncomfortable task of critiquing the students' work. While this impulse is understandable, students need, deserve and actually want honest feedback on their work.

In our experience, students often assume that "no news is good news," and will continue to repeat the same errors unless they are given specific notice that improvement is necessary. UB therefore urges all supervisors to provide feedback early in the semester so any problems can be addressed before the internship proceeds too far. Most students are eager to become good lawyers and welcome specific advice on how they can sharpen their skills.

What sort of feedback should you offer and how should you go about it? First, include a healthy dose of positive feedback. In fact, it is a good idea to start off on a positive note. For example, even if the student's writing needs improvement, you may be able to honestly commend the student's research abilities. And if the research was weak, perhaps the student's eagerness and curiosity warrant a compliment. While you should not be reluctant to criticize the work where necessary, students are apt to be less defensive if they hear some good news first.

In order to be effective, suggestions for improvement should be as specific as possible. Instead of telling a student to "tighten up the writing" or "use the facts more effectively," take a portion of the student's work and show her how to edit and rewrite the assignment. While this kind of feedback can be time-consuming, it is also the most helpful.

UB recognizes that it can be difficult to systematically review students' work and cover all the relevant points. You may want to consider the categories below when reviewing a student's performance.*** You may not need or want to touch on each of these categories during every feedback session. But if you assess the student's performance on a specific assignment with these categories in mind it may help both you and the student focus on the areas of concern.

Research Ability

- Does the student know the basic, non-computer library research tools and how to use them?
- Is the student familiar with computerized legal research resources?
- Does the student do thorough, careful and accurate work?
- Does the student produce practical and useful results?

*** This list is presented and discussed in A. Alexander and J. Smith, *A Practical Guide for Cooperative Supervision for Law Students and Legal Employers*, *supra*, at pp.216-217.

Legal Analysis

- Does the student integrate legal concepts and theory with facts in a coherent and logical progression?
- Is the student able to identify relevant issues and distinguish a logical hierarchy among them?

Intellectual Capacity

- Does the student display intellectual curiosity?
- Does the student think creatively and imaginatively?
- Does the student develop alternative avenues of argument?
- Does the student pursue analogous extensions in areas where the law is nebulous?
- Does the student explore subsidiary and related issues uncovered by research to develop innovative legal theory?

Writing Skill

- Does the student write clearly, precisely and persuasively?
- Does the student draft well-organized written assignments?
- Does the student cite accurately and properly?

Clarity of Oral Expression

- Does the student speak well? Is he or she easily understood?
- Is the student able to discuss issues clearly?
- Does the student communicate effectively in various advocacy proceedings?

Judgment

- Is the student mature?
- Does the student exercise good common sense?
- Does the student know how and when to ask questions or seek additional consultation?
- Does the student set appropriate priorities in handling assigned work?

Responsibility

- Is the student trustworthy? Does she or he act ethically?
- Does the student take initiative?
- Is the student dependable and conscientious about work?
- Does the student meet deadlines and manage time well?
- Does the student work independently and efficiently without sacrificing quality?
- Does the student accept criticism and constructively modify work habits?

Client Relations

- Does the student develop effective working relationships with clients?
 - Is the student sensitive and responsive to client needs?
 - Does the student know how to be diplomatically persistent?
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"Plus" Traits

- Does the student show an interest in the employer's work?
- Does the student have a sense of humor?
- Is the student cooperative and accommodating to the needs of the office?
- Is the student even-tempered?
- Does the student remain unruffled in emergency situations?
- Is the student courteous and respectful to all staff?
- Does the student demonstrate sensitivity to office human relations dynamics?
- Does the student appear self-confident and enthusiastic?
- Does the student maintain a professional demeanor?

4) KEEP THE LINES OF COMMUNICATION OPEN.

No matter how informal and friendly your office may be, there is no denying the fact that there is a significant imbalance of power between supervising attorneys and their interns. Most students are exquisitely aware of their place in the office hierarchy and may be reluctant to ask questions or seek advice for fear of appearing incompetent. In our experience, the best supervisory relationships exist when students feel free to approach their supervisors with all questions, large or small. Supervisors should therefore make every effort to create and maintain a comfortable and effective working relationship that will maximize both the student's educational experience and his or her contributions to your office.

III. SUPERVISORS' CHECKLIST FOR ASSIGNMENT CLARIFICATION

An important key to any successful internship is the ability of a supervising attorney to give assignments to the intern effectively. When any project is assigned, it is important to know exactly what you expect from the student; communicate all aspects of your expectations to him or her. Below is a checklist you may find helpful to ensure less confusion and more productivity for both you and the intern.

A. Have you explained each assignment with the relative inexperience of the student in mind?

Have you discussed the basic objectives of the assignment or project with the student? Does the student know how this particular assignment fits into the overall case file and what the assignment will help you accomplish or resolve?

Effective supervisors take the time to explain:

- a. When drafts of the assignment are due, as well as when the final product is due.
 - b. How much time you expect the student to spend on the assignment, including time for research and drafting (keeping in mind that students are often inexperienced and require extra time for thorough research).
 - c. How many issues do you expect the student to address? How technically perfect do you want the letter/memo/brief to be in terms of case cites, for example? Do you want a rough draft or a more polished draft?
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- d. How often should the student check in with you for a progress meeting?
- e. Is your schedule communicated to the student, and the student's schedule communicated to you, so that progress meetings are accomplished as planned?
- f. Is the student aware of the format you require or expect? Have you provided the student with an example of the format of the memo, brief or letter to assist the student in understanding your expectations?
- g. Whom should the student ask for assistance if you are unavailable?
- h. Have you provided the student with some guidance in terms of starting points for legal research to help focus the issue?
- i. Have you asked the student if he or she has questions?

B. Have you followed up regularly with the student as assignments progress?

As students begin working on assignments, they often need additional and periodic help, clarification, reassurance, or relief. Redefinition of the task is common as the student gathers information and gains a more precise understanding of the assignment. Since interactions during this phase are frequently marked by informality and brevity, the importance of these exchanges can be easily overlooked. Have you been diligent in keeping those scheduled progress meetings?

C. Have you provided the student with feedback on her or his work?

As the assignment progresses, and again at the completion of it, you should convey your impressions about the performance on the assignment. Without periodic feedback, neither you nor the student can effectively evaluate his or her performance and make any necessary changes to result in a final product which closely resembles your goals for the assignment and provides your student with a sense of accomplishment.

D. Feedback to students should be:

Offered frequently and objectively with an emphasis on the positive rather than the negative; As detailed as possible, so the student clearly understands your expectations in terms of revisions and the final product; Immediate upon project completion, while the subject matter and the student focus on the subject are fresh; and Non-judgmental, so the student can focus on improved performance rather than inadequacies.

III. LAW STUDENTS AND WORKPLACE CONFIDENTIALITY

UB recommends that all internship placements implement steps to ensure that law students, who may or may not have experienced formal training in professional responsibility at the time of the placement, are aware of the specific confidentiality policies of the placement. UB recommends that:

- A. Confidentiality policies be in writing and distributed to each intern or law student volunteer at the beginning of each semester;
- B. Students sign an acknowledgment of receipt of the policies; and
- C. Students actively engage in dialogue throughout the term of the placement with supervising attorneys on the importance of confidentiality and the ethical implications involved in individual cases or circumstances.

VI. TYPICAL FIELD PLACEMENT ISSUES

According to the American Bar Association standards regulating law school field placements and UB's academic standards, there are several objectives and standards of supervision that must be met to maintain the quality and academic integrity of internship programs. Such standards are specifically addressed in A.B.A. Standard 305 and the UB Standards for Supervision of Internship Students, which are included in Sections VIII and IX of this manual. Below are several areas identified as typical issues that occur most frequently in field placements which impede effective and successful intern performance.

A. Lack of constructive feedback on work products.

While UB recognizes the importance of students completing assignments independently, and learning from doing, it is equally important that supervisors spend the necessary time providing constructive criticism on work assignments. It is imperative to the learning process to provide students with feedback on an ongoing basis. Only when a student understands the drafting or strategic errors made on a project do they receive the most value from the assignment. Please refer to Section II in which suggested methods of offering constructive feedback are discussed at length.

B. Lack of communication regarding project expectations.

Often, internship students express frustration with the level of explanation offered when given a project. Students participating in the internship program typically have a certain allotted time they are able to spend at the placement each week and not having a clear understanding of what is expected of them on a specific project typically results in lost time and an inferior work product. This can be avoided when supervisors take the time at the beginning of an assignment to give a clear understanding of the circumstances leading up to the assignment and the proposed end result. It is also extremely helpful to offer starting point suggestions. Please refer to Section II which addresses UB's recommendation for the most effective way to give assignments.

C. Lack of communication regarding project expectations.

Below are several issues with field placement supervision which constitute lack of meaningful supervision:

1. **Too many students under the supervision of one placement supervisor.** An internship is most successful when each supervising attorney is responsible for no more than three or four students. To provide constructive feedback, meet regularly with students individually (a topic to be discussed below) and monitor student progress in the placement, placement supervisors should limit the number of students they are directly supervising. This allows more time and flexibility for the supervisor as well as gives the student a more personal and valuable learning experience.
 2. **Lack of regular meetings with students.** Some supervisors do not schedule weekly meetings with the students. An obvious component to providing the most meaningful supervision and feedback is actually scheduling the time to go over the progress of each student individually. Such meetings should take place at a minimum of once a week and should cover both substantive work and professional development when applicable.
 3. **Not providing enough work.** Students sometimes complain that they are not given a sufficient amount of work throughout the semester. Some students have to create their own work or wait idly for something substantive to do. Although the internship program faculty director encourages students to be proactive and assertive in seeking work assignments, it is an extremely important part of supervising students to make certain that at all times they have meaningful work. Law schools can only award academic credit and evaluate each student based on the work they actually perform.
 4. **Assigning non-substantive/administrative/personal tasks.** Students are sometimes given administrative or even personal tasks to perform. The supervising attorney has the responsibility to maintain the academic credibility of the internship program by assigning substantive legal work. Understandably, as with most organizations, team efforts to meet deadlines or prepare for trial are often required; during such times, attorneys and other professional staff may perform tasks that are not standard for their position. However, it is difficult for schools to assert the value of an internship when students report they are spending entire days photocopying documents or organizing a filing system for current cases. Time spent performing administrative tasks should be minimized by the supervising attorney and personal errands or tasks should never be assigned.
 5. **Hours required may be excessive in relation to internship expectations.** Many supervisors assign students far more work than can actually be performed in the amount of time the student and the school has allotted for the internship. As we all remember, the demands of a law student are many. Each student will typically schedule their classes based on the time they know they will spend at an internship. It is extremely difficult and frustrating to students when they have to put aside other school
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work in order to balance the demands of the internship. While students understand that life as a lawyer demands a constant struggle to balance priorities, often, they will make the time to perform on the internship to the detriment of other course work. To this end, placement supervisors should consider law students' internal demands when asking them to work hours in excess of the weekly time allotted for the placement.

6. **Lack of communication with law school faculty.** Keeping open lines of communication is essential to successful placements. When any sort of conflict arises, whether it is related to the quality of work, work habits, or general attitude toward the supervisor and/or the work, it is imperative to contact the school immediately to identify the problem and discuss potential remedies before the conclusion of the program. As our goal is to ensure the most mutually beneficial relationship between both parties, UB can typically offer assistance in resolving the issue or deal with the problem completely from our end. When, in a final evaluation of the student's work, UB discovers a student has not performed up to standard, UB is faced with the difficult dilemma of failing them. If UB were able to intervene early enough UB may prevent this unfortunate circumstance and remedy the problem behavior, or, if most appropriate, terminate the placement.

In conclusion, while most of our placements are excellent and provide a wonderful practical training ground for our students, placement supervisors can improve dramatically the overall effectiveness of the program by remembering the above-mentioned pitfalls. Each supervising attorney should spend time carefully reviewing what an effective placement supervisor is and remember to use the law school internship coordinator as a resource whenever any problem arises. The UB faculty director is available by phone or e-mail. Please do not hesitate to discuss issues with us as they arise to keep a potentially difficult situation from spiraling into an uncontrollable problem that frustrates the learning process and the benefit of internships for all parties.

V. THE WORKPLACE ENVIRONMENT FOR STUDENT INTERNS

- A. **The workplace environment is extremely important to the successful internship experience. Students who feel comfortable and welcome are far more productive. While it may not always be possible to provide separate workspace for each intern, UB recommends, at a minimum, that students be provided with:**

1. A desk or other secure workspace that is their own;
 2. A phone or easy access to a phone;
 3. A desktop computer, or sufficient access to one to facilitate prompt assignment completion;
 4. Sufficient office supplies to accomplish assigned tasks;
 5. Access to adequate legal research materials to accomplish assigned tasks;
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6. Access to support staff, if necessary to accomplish a task;
 7. Office keys or restroom keys, if necessary;
 8. Copier and fax access, if necessary to accomplish a task;
 9. Clear instructions regarding parking or reimbursement for parking expenses; and
 10. Written office procedures and policies.
- B. Along with the physical set up of the office, it is important to include the student in the office culture. The more the student is treated as part of the team, the better the experience will be for the student and most likely, performance will be positively influenced. As a minimum, consider some of the following:**
1. Invite students to meetings, if they are relevant to the work or may enhance understanding of the project or task;
 2. Include students in investigation or research out of the office, if appropriate or if it will enhance the understanding of the task or project;
 3. Circulate office memoranda to students, if appropriate;
 4. Include students in the informal matters of the workplace, such as celebrations or group luncheons;
 5. Formally introduce students to all staff they are likely to encounter during the workday; and
 6. Provide students with instructions as to any workplace limitations, such as areas that may be off-limits or files or materials that may be sensitive or confidential.
- C. Finally, it is critically important to communicate clearly and frequently with interns. Open communication can prevent misunderstandings, clarify office relationships and ensure that your intern is a functioning member of your work environment and the mission of your team.**

VI. WORKPLACE ACCESS FOR PERSONS WITH DISABILITIES

Internship programs must be accessible to students with disabilities. The American with Disabilities Act (“ADA”) was passed by Congress and signed by President Bush in 1990. The Act has five titles, covering employment, state and local government programs, public accommodations, telecommunications and miscellaneous provisions.

In passing the ADA, Congress noted that there are more than 900 different disabilities. Therefore, rather than attempt to list all of them, Congress used the definition in place since 1973, that of the Rehabilitation Act. The definition of a person with a disability has three prongs:

- A person with a substantial impairment from a major life activity,
- A person with a record or history of such an impairment, and
- A person who is perceived as having such an impairment.

An impairment can be mental, physical, emotional, sensory, or really of almost any type.** The key phrases are substantial impairment and major life activity. A substantial impairment is compared to that of an average person. For example, somebody who cannot run a marathon probably does not have a substantial impairment from mobility, someone who cannot walk a block probably does. Major life activities include things such as caring for oneself, walking, seeing, hearing, breathing, speaking, learning or working.*

The ADA only prohibits discrimination against qualified individuals. The term qualified individual with a disability means an individual with a disability who has the skill, experience, education and other job related requirements of the position and who with or without reasonable accommodation can perform the essential functions of such position.

Title II of the ADA provides that an educational institutional which receives federal funds must not discriminate in offering and placing people with disabilities in internships. Besides this responsibility, the graduate-study institution must be sure that the outside source of employment provides appropriate accommodations for the student.** It is clear that the law school must be sure that its internship placements are, as a whole, accommodating qualified students with disabilities.

The desired result is that the student with the disability will not be excluded from an internship on the basis of his or her disability. Also, the law school is responsible, when placing students in internships, to make sure that the internship site does not discriminate against students based on their disabilities; that the internship site accommodates the student's disability; and that the student is given a reasonable range of options with regard to having an opportunity to participate in an internship.***

** For example, visual impairments, mobility impairments, depression, high blood pressure, cancer, multiple chemical sensitivity, and back injuries may all be covered.

* Please note that when you are assessing whether a person is substantially impaired for major life activity you should do that assessment without regard to the availability of mitigating measures. Therefore, somebody who is substantially hard of hearing even though might be fairly well able to hear with a hearing aid is still considered substantially impaired from the major life activity of hearing.

** 34 C.F.R. §104.12 (a): A recipient shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified handicapped applicant or employee unless the recipient can demonstrate that the accommodation would impose an undue hardship on the operation of its program.

*** Title II applies in exactly the same way to any state or local government agency. This includes the State Courts. The federal government is covered by the Rehab. Act of 1973, and the Federal Courts are not specifically covered.

Title III of the ADA applies to any non-governmental or court placement. This Title prohibits persons who own, lease, lease to, or operate a place of public accommodation from discriminating against persons with disabilities. The purview of this section is very broad, applying to almost any privately owned entity, certainly covering all legal services organizations or any other private placement. Placements must make reasonable modifications in their policies, practices, or procedures, unless to do so would fundamentally alter the nature of their services. Placements must make themselves accessible to persons with disabilities if it is “readily achievable.” This is assessed by considering the cost, the overall resources of the facility and the types of operations. Each person with a disability is different, as is each workplace, so exactly what needs to be done to accommodate a specific situation is very fact specific.

As an example, a law student who uses a wheelchair for mobility will need either a ramp or elevator if there are stairs. She might also require a desk that is higher and provides more room to maneuver, an accessible restroom and other particular requirements. A law student who is hearing impaired may require a text telephone, may require an interpreter at times and possibly other assistance. Other issues may arise with students with learning disabilities who may need extra time from a supervisor or extra assistance. In most cases, these types of modifications would be readily achievable, but there could be a case where the demand was so great that it caused a fundamental alteration of the services. In general, the ADA is intended to provide equal access for law students with disabilities to participate in an internship experience. As we know, these internship experiences are enormously valuable to law students in many ways.

VII. WORKPLACE FREE OF ILLEGAL OR UNWANTED HARASSMENT

UB is committed to providing students with internships and internship placements that are free from illegal and unwelcome harassment. Sexual harassment is prohibited under both federal* and state law,** as well as many municipal regulations and ordinances. UB expects all placement agencies to be cognizant of the law and provide a work environment for students free of harassment.

Prohibited harassment includes verbal, physical and visual conduct where: (1) submission to the conduct is made either an explicit or implicit condition of employment or business, service or professional relationship; (2) submission or rejection of the conduct is used as a basis for an employment decision or decision affecting the terms of a business, service or professional relationship; or (3) the harassment interferes with an employee’s or other’s work performance or creates an intimidating, hostile or offensive work environment for the employee, intern, or other protected person.

*Title VII of the Civil Rights Act, 42 U.S.C. Section 2000e et.seq., California Fair Employment and Housing Act, California Government Code Section 12940 et.seq.

**Md. Ann. Code art. 49B c 14 (2004) et seq.

Sexual harassment can take many forms and includes, but is not limited to, the following: slurs, jokes, statements, email messages, gestures, assault, impeding or blocking another's movement or otherwise physically interfering with normal work, pictures, drawings or cartoons based upon an employee, intern, intern or other protected person's sex or gender. Sexual harassment also includes unwelcome conduct such as requests for sexual favors, conversation containing sexual comments and other unwelcome sexual advances. Sexually harassing conduct can be performed by a person of either the same or opposite sex as the person who is the subject of harassment.

It is also illegal under both state and federal law to retaliate, or tolerate retaliation by any person, against an employee, intern, intern or other protected person for either making a complaint of harassment or cooperating in an investigation of alleged harassment. An intern who believes he or she has been harassed is encouraged to promptly report the incident to the UB faculty director. UB has internal policies and procedures regarding harassment and will take appropriate steps as required in the policy, including contact with the placement agency complained of, if appropriate.

EQUAL EMPLOYMENT OPPORTUNITY POLICY

The University of Baltimore is committed to a policy against discrimination based on race, color, national origin, age, religion, sex, disability or sexual orientation in its programs, activities or employment practices. Inquiries regarding discrimination related to educational programs and activities should be directed to:

Vice President for Student Affairs & Enrollment Management
University of Baltimore
1420 N. Charles Street
Baltimore, MD 21201-5779
(410) 837-4755

VIII. UB STANDARDS FOR SUPERVISION OF INTERNSHIP STUDENTS

- A. The American Bar Association Standard 305 relating to law school field placement programs has been interpreted to require that any law school permitting students to participate in activities or studies away from the law school develop and publish a statement defining the education objectives of internship programs.**

The UB faculty-endorsed educational objectives of internship placements are:

1. Teaching students how to identify and be responsible for their individual learning and career goals and how to work with senior attorneys and office staff to accomplish those goals;
 2. Enhancing students' classroom learning by placing case law and statutes into the context of real legal matters;
 3. Instilling in students an awareness of issues of professional responsibility and how to respond to them;
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4. Teaching students how to seek criticism and how to learn from it;
 5. Teaching students to be reflective lawyers, that is, to think critically and in a disciplined manner about how they wish to situate themselves within the profession; and
 6. Strengthening students' writing for practice, paying particular attention to audience, clarity, and comprehension.
- A. In an internship program, the ability of the student to achieve the goals stated above depends in large measure on the quality of the student's relationship to his or her supervising attorney and the supervisory methods employed by the supervisor.**

The success of field placement programs depends on the willingness and ability of the supervising attorneys to serve as available role models and teachers. Good supervision requires certain skills, techniques and attitudes that can be learned and applied effectively and involves conscious application of several principles discussed below.

1. Providing a variety of well-defined tasks that encourage the learning of a range of skills.
For a student to function effectively, the supervisor must clearly explain what the assigned task involves and should put the specific task into the context of the entire case or issue on which the supervisor is working. Although narrow research projects may help the supervisor and be appropriate student projects, their true benefit to the student as a learning process comes from an explanation of how the particular issues arising in the small project fit into the context of and affect the whole case. Many students arrive at a placement with no academic or practical experience in the kind of law that is practiced there. Therefore, it is incumbent upon the supervisor to explain carefully the scope of the project, the work necessary to complete it, and a time estimate of how long the supervisor expects the student to work on the project.

Students should be encouraged to put their research into writing whenever possible. Even if the written form is less expedient, students need experience and practice in synthesizing their research into a coherent written product.

The best internship experience offers a variety of assignments, in addition to the traditional tasks of legal research and drafting legal memoranda. The experiences should also include observation of courts, judges and lawyers, meetings, conferences, negotiations and telephone communications, as well as a discussion of the supervisor's interactions when completed. Whenever possible, students should be allowed to directly experience doing what they have observed others performing.

2. Providing students with insight into the workings of the legal system and profession.

One of the most important benefits of an internship program is that students can immerse themselves into a particular office and aspect of the legal system. In order to achieve this,

the student should be exposed to a variety of situations and the supervising attorney should take the time to discuss what is observed. In some internships, students spend large amounts of time in relative isolation in the library. These students will not have a significantly better idea of the functioning of the legal system as a result of this experience, and UB disfavors this type of placement. Even a student engaged in substantial research should be involved in the analysis of that research and its application. It is important, therefore, to explain the context in which an assignment arises and, whenever possible, to allow the student to see the application of his or her work product.

3. Developing professional responsibility skills through observation and application in the workplace.

Professional responsibility is a required course in the law school curriculum. The internship can supplement classroom learning by providing opportunities to see or be involved with actual professional responsibility decisions confronting practicing attorneys daily in court, with clients, with jurors and in conflict situations. All of these situations can generate professional responsibility questions and explanations. The internship is an excellent opportunity to learn about obligations to the client or the court, to explore the limits of client confidentiality, to learn to meet deadlines, and to learn basic work habits and skills. The supervisor should be both critical and reinforcing when a student has either failed or succeeded in meeting professional responsibility goals. Supervisors should be alert to professional responsibility issues, and raise them with interns as such issues present themselves.

4. Developing the student's ability to learn from experience, including critical professional feedback on performance.

Feedback on written work and other task performance is essential in field placements. Meaningful feedback consists of very specific information. It involves careful observation of student performance or product and tactful honesty in communicating the supervisor's views. A student learns nothing constructive from comments such as "good job" or "you'll do better next time." The supervisor should provide specific examples of what the student said, did, or wrote with a clear and detailed explanation as to why the work was sufficient or inadequate. Good feedback assures that the student fully understands the strengths and weaknesses of his or her performance in order to build upon them in future assignments.

Students need an opportunity to learn self-evaluation skills. This means that some constructive dialogue between the supervisor and between the supervisor and the student should take place to allow the student to recognize where he or she has been making mistakes in performance or legal analysis.

B. Certain supervisory methods are preferred in student evaluations.

Generally, students learn more effectively when supervision is non-directive and student-centered. Rather than telling a student exactly what to do and where to find the answer, a

supervisor should take the time and explain the context of an issue and the nature of the task being assigned, to discuss the student's reaction to the problem, to help the student form problem solving strategies, to agree upon a schedule for the project and the form which the student's work should take. Interim meetings should be held to discuss progress and to avoid misdirection, as well as to reassess the nature of the issues in light of the student's work to date.

C. UB encourages all supervising attorneys to take the time to openly and candidly discuss their views of the legal system with students.

Even the most insightful students will learn much more by hearing directly the opinions of their supervisors about the range of issues concerning law practice and roles of lawyers in the institutions in which they are involved.

AMERICAN BAR ASSOCIATION STANDARD 305: FIELD PLACEMENT PROGRAMS

As you know, all American Bar Association-accredited law schools are subject to an accreditation review from time to time. As part of regular accreditation inspections, Accreditation Committees are required to evaluate field placement programs. In particular, Committees are required to evaluate the qualifications, training and performance of field instructors and to determine whether the placements are meeting their stated educational objectives. Additionally, standards require frequent contact with supervisors, visits to, field placements, and in some instances, mandatory classroom components. To more fully assist you in understanding the structure of our programs and the requirements imposed on our students, faculty and supervising attorneys, UB includes a copy of ABA Standard 305 in your supervision manual for your convenience.

Standard 305. Study Outside the Classroom*

- a) A law school may grant credit toward the J.D. degree for courses or a program that permits or requires student participation in studies or activities away from or outside the law school or in a format that does not involve attendance at regularly scheduled class sessions.
- b) Credit granted shall be commensurate with the time and effort required and the anticipated quality of the educational experience of the student.
- c) Each student's academic achievement shall be evaluated by a faculty member. For purposes of Standard 305 and its Interpretations, the term "faculty member" means a member of the full-time or part-time faculty. When appropriate a school may use faculty members from other law schools to supervise or assist in the supervision or review of a field placement program.
- d) The studies or activities shall be approved in advance and periodically reviewed following the school's established procedures for approval of the curriculum.

* American Bar Association Section of Legal Education and Admissions to the Bar, Standards and Rules of Procedure for Approval of Law Schools 2004-2004.

- e) A field placement program shall include:
- i. a clear statement of the goals and methods, and a demonstrated relationship between those goals and methods to the program in operation;
 - ii. adequate instructional resources, including faculty teaching in and supervising the program who devote the requisite time and attention to satisfy program goals and are sufficiently available to students;
 - iii. a clearly articulated method of evaluating each student's academic performance involving both a faculty member and the field placement supervisor;
 - iv. a method for selecting, training, evaluating, and communicating with field placement supervisors;
 - v. periodic on-site visits or their equivalent by a faculty member if the field placement program awards four or more academic credits (or equivalent) for fieldwork in any academic term or if on-site visits or their equivalent are otherwise necessary and appropriate;*
 - vi. a requirement that students have successfully completed one academic year of study prior to participation in the field placement program;
 - vii. opportunities for student reflection on their field placement experience, through a seminar, regularly scheduled tutorials, or other means of guided reflection. Where a student can earn four or more academic credits (or equivalent) in the program for fieldwork, the seminar, tutorial, or other means of guided reflection must be provided contemporaneously.**

* The ABA Council of the Section of Legal Education and Admissions to the Bar at its August 2004 meeting adopted these revisions. The revisions are not yet effective and will not become effective until concurred in by the ABA House of Delegates. The revisions will be presented to the House for its concurrence at the ABA Mid-Year Meeting in February 2005.

** *Id.*

Interpretation 305-1:

Activities covered by Standard 305(a) include field placement, moot court, law review, and directed research programs or courses for which credit toward the J.D. degree is granted, as well as courses taken in parts of the college or university outside the law school for which credit toward the J.D. degree is granted. (August 2004)

Interpretation 305-2:

The nature of field placement programs presents special opportunities and unique challenges for the maintenance of educational quality. Field placement programs accordingly require particular attention from the law school and the Accreditation Committee. (August 1999)

Interpretation 305-3:

A law school may not grant credit to a student for participation in a field placement program for which the student receives compensation. This interpretation does not preclude reimbursement of reasonable out-of-pocket expenses related to the field placement. (August 2004)

Interpretation 305-4:

A law school that has a field placement program shall develop, publish and communicate to students and field instructors a statement that describes the educational objectives of the program.

In a field placement program, as the number of students involved or the number of credits awarded increases, the level of instructional resources devoted to the program should also increase. (August 1999)

Interpretation 305-5:

Standard 305 by its own force does not allow credit for Distance Education courses. (August 2002)