

SUPERVISION BEST PRACTICES

Training

- Each unit should create a written training schedule each semester with copies to all students and administrative staff
- Each unit should develop and maintain detailed outlines for each training (to provide to students and to permit other staff to cover)
- Each unit should develop and maintain unit-specific training manuals
- Students may not miss scheduled trainings except in the case of emergencies; the student and supervising attorney share responsibility for making up missed training

Student Hours/Scheduling

- Boalt students must work a minimum of 4 hours per week for each academic unit (typically 16 hours/week for 4 units). Students in the Housing Practice Area must work a minimum of 20 hours per week for 5 units. There are exceptions to this rule for returning students working on special projects.
- The Boalt semester is 14 weeks long (not including flyback week & spring break)
- Boalt students do not complete clinical hours during the first week of classes; however those (typically) 16 hours are “made up” in the form of supplemental trainings during the first four Fridays of the semester (students otherwise scheduled to be here on Friday afternoons can make up the hours at any time during the course of the semester)
- Except in unusual circumstances, each student should maintain a regular, in-office schedule; exceptions should be delineated as such, preferably in writing, with appropriate notice to other unit staff and administrative staff
- Although occasionally the work may require students to put in additional hours on any given day or week, students should not be expected to spend more than their enrolled hours on clinic work, and should have the opportunity to make prospective adjustments for having put in any extra time
- Except in unusual circumstances and without prior approval (e.g., with a returning student), students may not “bank” time at the beginning of the semester for the purposes of shortening their semester
- Flexibility with resolving student scheduling issues resides with individual supervisors, consistent with office guidelines

Client Interviews/Intake

- Each student should observe at least one full interview conducted by a supervising attorney (preferably an initial intake interview prior to the interviewing training)
- Supervising attorneys should observe at least one interview conducted by each student for the purpose of giving detailed feedback

- Supervisors should monitor student interviews during the course of the semester for evaluation and quality control purposes
- Each unit should develop and maintain a written intake policy to be provided to students and administrative staff, including, at a minimum:
 1. Any relevant screen-out criteria
 2. Any relevant screen-in criteria
 3. Other resources (information & referral) for clients
 4. Clear expectations of the role of administrative staff
 5. Clear expectations of the role of students
- Supervisors should ensure adequate staff availability during all student intake hours

Cases/Case Load

- Each student in a direct representation unit (housing, HIV & welfare) should be assigned *at least* one case file when they arrive for orientation the Friday before clinical hours begin
- The priority for early cases should be those that are “typical” for the unit; are models of case file organization, management and record-keeping; and do not require immediate action
- Staff should develop guidelines for appropriate student caseloads and for appropriate staff caseloads
- Student case loads should be monitored closely (see case reviews) with special attention to coverage during breaks and a soft landing at the end of the semester

Case Reviews

- Supervisors should conduct formal weekly case reviews with each student of at least one hour in duration, and should schedule the meetings at the beginning of the semester
- Case reviews are for the purpose – in a sustained, systematic way – of ensuring that students are making adequate progress on each of their cases and providing direction for their subsequent work, and should include review of:
 1. procedural and substantive (legal theory) status of each case
 2. ongoing strategies and work to be done
 3. any issues related to the student’s cases and/or performance which have arisen or may arise in the foreseeable future (e.g., regarding substantive law, skills, ethical considerations, etc.); and
 4. the student’s satisfaction
- Students may be asked to provide written updates of their cases in advance of the meetings; in any event, students and supervisors are expected to prepare for the meetings
- Case reviews are not intended to replace day-to-day supervision of students’ work
- Case reviews should be private and without interruption

Case Rounds

- Each unit should conduct 2-4 case rounds per semester, including all students in the unit
- Case round formats can vary, but should strive to facilitate group discussion and insight into common challenges (substantive, procedural, ethical, etc.) in the practice

Supervision Generally

- Supervision generally should progress over the course of the semester from supervisor-directed to student-directed, and requires active encouragement, e.g.,
Early Student: “I don’t understand this, what should I do?”
Middle Student: “Here’s what I think is going on and how we might proceed.”
End Student: “Here’s what’s happening and here’s how I plan to proceed.”
- Students at all stages, except in emergencies, should be encouraged to try to answer legal questions on their own before approaching us, based on our substantive and procedural trainings and materials, and on consulting (in this order) primary legal sources (statutes, regulations, cases), secondary legal sources (court rules, practice guides, agency procedure manuals) and tertiary sources (NOLO Press books, *Law & Order*, etc.)
- A goal of supervision should be to empower students, including
 1. Telling them what their responsibilities are
 2. Giving them authority equal to the responsibilities assigned
 3. Setting standards of excellence
 4. Providing them with training that will enable them to meet the standards
 5. Providing them with feedback on their performance (see below)
 6. Recognizing them for their achievements
 7. Trusting them
 8. Giving them permission to fail
 9. Treating them with dignity and respect
- Supervisors should provide “supportive” feedback (for good performance)
 1. Tell students beforehand that you are going to give them feedback
 2. Praise students as soon as possible after you observe good performance
 3. Consider whether to praise students in front of others (it may feel good, or may be embarrassing; it may make their colleagues feel undervalued if it’s not shared)
 4. BE SPECIFIC in telling students what they did right
 5. Tell students how good you feel about what they did and how it helps the clients, the organization, the effort, etc.
 6. Do NOT follow supportive feedback with “corrective” feedback
- Supervisors should provide “corrective” feedback to students (for substandard performance)
 1. Tell students beforehand that you are going to give them feedback
 2. Give students corrective feedback as soon as possible after you observe poor performance AND allow enough time to complete the feedback
 3. ALWAYS give corrective feedback in private
 4. BE SPECIFIC in telling students what they did wrong – focus on the behavior or action, not the person
 5. Tell students how you feel about what they did wrong and how it harms or undermines the work
 6. Always follow corrective feedback with supportive feedback, i.e., remind the student how much you value her/him, reaffirm that you think well of them but not their performance in this situation
 7. Once the corrective feedback has been given to the student, do not bring it up again (unless the substandard performance is repeated)

- Supervisors should give students “constructive” feedback
 1. State what is occurring now (“When you . . . , it results in”)
 2. State what is expected (“I would like you to”)
 3. State the consequences (positive or negative)(“Because in order to”)
 4. Determine the causes and needs (“Could you tell me what happened?” “Is there something you need to help improve the situation?”)
 5. Identify acceptable solutions (“Let’s review what you will do, AND here’s what I’ll do”)
 6. Set a date to review progress (“let’s meet _____ to review how things are going.”)
 7. Express confidence in the student’s ability to improve (“I believe”)
- Supervisors should seek feedback from students on supervision needs, e.g.,
 1. “Do you understand my expectations of you?”
 2. “How could I communicate more clearly with you?”
 3. “Are you getting the type of support you need? What is missing?”
 4. “Are you getting enough supervision? Are you getting too much?”
 5. “How could I be more helpful to you in the performance of your job?”
 6. “Are you getting enough specific, detailed feedback from me on your performance?”
 7. “Are you feeling stretched beyond your limits? Do you have skills we are not utilizing?”
 8. “Are you getting balanced feedback from me, both positive and critical?”
 9. “Do you feel comfortable coming to me when you’re stuck?”
 10. “What could I do to help you function more effectively and efficiently?”

Evaluations/Exit Interviews

- Supervisors should conduct oral and written mid-semester evaluations of each student prior to:
 1. Fall Break
 2. Spring Break
 3. July 4th
- Supervisors should conduct oral and written end-of-semester evaluations of each student during the last week of the clinical

Record-Keeping

- Supervisors should maintain files for each law student supervised consisting of their evaluation and samples of their written work
- Supervisors should retain each student’s file for a minimum of 2 years after graduation for the purpose of responding to outside requests for information (bar forms, references, etc.)
- Supervisors should complete state bar forms as requested by former students within 2 weeks of each request
- Supervisors should write letters of recommendation for employment, clerkships, fellowships, etc. as requested by former students (and as appropriate based upon your judgment) within 2 weeks of each request
- Supervisors should act as a reference for prospective employers as requested by former students (and as appropriate based upon your judgment)

Projects

- In addition to individual and group client representation, supervisors should support and encourage student participation (especially returning students) in:
 1. policy work
 2. community education & outreach
 3. research & writing

Teaching

- Supervisors should help prepare and lead one classroom presentation each semester, including reviewing/reading the materials
- Supervisors should attend and participate in other classes as available and appropriate
- Supervisors should read and discuss with students their reflection pieces throughout the semester
- Supervisors should – if assigned to do so – grade reflection pieces, with no more than one week's turnaround time
- Supervisors should help identify materials that would be appropriate for the course

Ethics

- Supervisors should be familiar with the Confidentiality Policy adopted by EBCLC, including procedures for conflicts checks
- Responsible lawyering includes identifying ethical and professional conduct issues as they arise in practice; exploring such issues in an explicit, structured manner that considers formal rules, opinions and professional obligations together with other ethical norms; and making reasoned, articulated and defensible ethical decisions
- Set forth below is one methodology for achieving such a practice:
 1. Identify, describe and define the ethical issue (the nature of which may evolve over time);
 2. Identify the parties and institutions to whom a duty of ethical care is owed;
 3. Research and consider the relevant ethics rules (California Rules of Professional Conduct and the California State Bar Act [selected sections of the Business & Professions Code]), cases and opinions that apply to the ethical dilemma (and where possible, make comparison to ABA rules and opinions);
 4. Research and consider other legal issues relevant to the ethical question.
 5. Explore other sources of ethics that may impact the decision (e.g., "personal" morality);
 6. In light of the above, gather and weigh relevant empirical or anecdotal information that may bear on the ethical question(s);
 7. Consult other stakeholders in the decision (e.g., the client and other third parties), including soliciting their input where appropriate;
 8. Decide how both to proceed and to communicate the decision in light of the above considerations; and
 9. Reflect on how to apply (and modify) this decision-making methodology in addressing future ethical dilemmas.

MID-SEMESTER SELF-ASSESSMENT

Prior to your mid-semester meeting with your supervisor, please complete this self-assessment form. This brief self-evaluation is intended to be a tool for you to reflect on your development thus far and to define your goals for the remainder of the semester. The completed form should be shared with your supervisor.

Your mid-semester self-assessment should address the following issues:

1. Describe your workload – numbers of cases or projects; variety of assignments; manageability of workload; do you have too much to do or not enough; etc.
2. Describe your relationships and interactions with: clients; your supervisor and other EBCLC staff; adversaries; etc. Do you feel comfortable in these relationships? What makes you uneasy about them?
3. Are you comfortable with your legal advocacy skills development thus far? What would you like to accomplish in this area before the end of the semester?
4. Is the office environment (workspace, phones, computers, library, explanation of office policies and procedures, etc.) conducive to your casework?
5. Is your experience meeting your expectations? In what ways has it differed from your expectations?
6. Describe your most interesting, intense, difficult or challenging case, project or aspect of your work thus far.
7. If not already addressed above, what are your goals for the remainder of the semester? What areas do you most want to work on?
8. What can your supervisor do to provide you with the type of support you need to work effectively and efficiently?

Please don't forget to put your name on the self-assessment.