

Learning from Externship: Presentation of Clin. Prof. Harriet N. Katz, Rutgers University School of Law - Camden. Based on *Reconsidering Collaboration and Modeling: Enriching Pedagogy in Clinical Legal Education* __ GONZAGA L. R. __ (Forthcoming 2006)

Concurrent Session: Collaboration between students and supervisors: learning from externship, educational theory, apprenticeship, and clinical experience

Externship and collaboration with supervisors: what I wrote about

My article, and presentation, contributes to a critical discussion about supervision methods, with particular attention to challenging the idea that only nondirective supervision can achieve our educational goals of student role assumption and reflective lawyering practice.

The article title focuses on Modeling and Collaboration, because these most significantly challenge the place of Nondirective supervision as key experiences in clinical education. Both methods are ubiquitous in external settings, yet uncommon in in-house clinics that subscribe to the nondirective doctrine. Modeling challenges the primacy of role assumption, and Collaboration challenges the premise that students cannot learn only from independent work.

Beginning with what I have learned from externship supervisors about their range of supervision methods, I examined externship student views about these methods, using a survey of externship students, augmented by journal excerpts. The narratives helped answer whether the students learning from methods other than nondirective supervision achieve similar goals. If students do move toward being “reflective practitioners” with alternative methods, then such methods have a legitimate place in clinical pedagogy. In the survey, 39 Students considered Feedback, Modeling, Directive Supervision, Nondirective Supervision, and Collaboration. They rated frequency of use: [*Rarely/occasionally/frequently*] and value: [*not very/ moderately/extremely*]. Students also were asked to identify a best teaching method and to use their journals to write freely about “experiences or teaching methods [that] contributed the most to... professional development”

Numbers

“Best” methods Modeling and Feedback had most votes. Collaboration and Nondirective supervision were tied as very commonly a best method. Directive supervision had relatively few votes. Narratives about “best learning moments” did not always correlate with a student’s answer about best methods.

Frequency/value Each method was reported to be used “frequently” by at least a quarter of all students. Collaboration was “frequent” for about half of all students. Each method had a significant number of students finding it “very valuable”. The two measurements were positively correlated, that is, the more frequently used methods were always also considered very valuable. There were several outliers of all-positive ratings (a student reported every method as used “frequently” and “very valuable”) ratings and a few all-negative ratings.

Validity questions? Do correlation data mean the survey measured teaching skill, not intrinsic educational value of a method? Do outlier data mean the survey measured student attitude?

Narratives and Themes (the best information in the study)

Student narratives about “*best learning moments*” stressed learning from immersion in the context of the practice setting, from their relationship with the supervisor, and from the experience of role assumption – not from a “teaching method” as such. Often several methods could be discerned used in sequence, reflecting the nature of the assignment or the abilities of the student (see Hoffman on *Stages of Supervision* and Kotlin on learning needs of student in *Reconsidering Role Assumption*.) I characterized these themes as:

Getting the big picture: Students recognized that they gained understanding of the legal institution and how the lawyers function in it, primarily from the impact of immersion in the legal setting. They reflected on their own role very carefully.

Gaining confidence: Student confidence increased as a result of feedback, modeling, and observation, as well as from the experience of role assumption.

The challenge of role assumption:

“*Learning under fire*”: Relatively nondirective task assignment was appreciated by many students as a way of jumping into a new area of learning, in which they felt their independence was respected;

“*They took me seriously*”: Students were challenged to be a real part of the legal team by frequent collaboration with supervisors, especially when the student was prepared to contribute to the collaborative effort. Collaboration often followed a nondirective start to performing the task.

Lessons

Mentoring relationship, confidence, and motivation

Good supervisors express confidence in the student, while also setting high standards. (Teaching, parenting, coaching...) The result is a high level of motivation, crucial to success. Many students reported increased confidence as a result of the role assumption and collaboration they participated in. Being treated as a colleague, having an attorney or judge trust in their work, their judgment, built confidence, leading to serious reflection on legal practice and high level of effort to continue to do good work.

Collaboration

When students began with direction for an initial attempt at a task, or began (more frequently) with a nondirective assignment, they were frequently able to collaborate effectively with a supervisor in later steps of the task. The collaboration itself was another aspect of their role assumption, and taught them valuable skills and perspectives on lawyering. Law practice is about doing the best for the client not about being a star on your own. As a lawyer, you are no longer a student trying to impress, or outwit, a professor, you are working in a give and take with your colleagues, some outranking you and some not, to accomplish that goal.

Pluralism of teaching methods

A range of methods, alone or in combination, were successful at increasing learning and impressing students with the responsibilities of lawyering.