

**RESIDENCY-IN-PRACTICE COURSE**

**STUDENT HANDBOOK 2019**

**Second Edition**

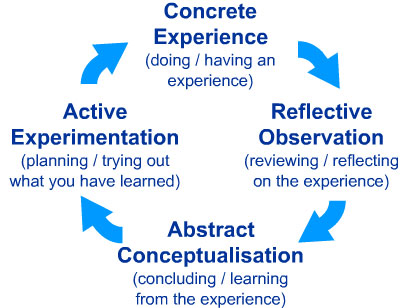


Table of Contents

INTRODUCTION 3

1. EDUCATIONAL OBJECTIVES OF THE RESIDENCY-IN-PRACTICE COURSE .……….4
2. THE BIG PICTURE: EXPERIENTIAL EDUCATION & REFLECTIVE LAWYERING……4
3. Learning from Practice Journals……………………………………..….……………………5
4. Residency Conferences……..………………………………….………………………………. 6
5. Self-Assessments………………………………………………………………………….………. 6
6. FIELDWORK RESPONSIBILITIES & EXPECTATIONS 7
7. Getting started………………………………………………………………………………………7
8. Qualifying Work…………………………………………………………………………………….8
9. Identifying Learning Goals and Planning to Accomplish Them……………. 11
10. Documenting Fieldwork……………………………………………………………………….14
11. GETTING EFFECTIVE SUPERVISION & FEEDBACK……….……………………………….14
12. Assignments………………………………………………………………………………………….15
13. Feedback on Performance…………………………………………………………………….16
14. The Role of Your Faculty Supervisor in Ensuring Effective Supervision

and Feedback………………………………………………………………………………………..18

**CONCLUSION**………..……………………………………………………………………………………………..18

**APPENDIX A .**………..……………………………………………………………………………………………..20

**APPENDIX B .**………..……………………………………………………………………………………………..24

**INTRODUCTION**

Congratulations! You are about to embark on your Residency-in-Practice, probably the most important, the most challenging, and the most meaningful course of your law school career. This course is designed to facilitate the transfer of the knowledge you gained from the classroom -- the study of law, skills, and values -- to the “real world” practice of law. This “learning from practice” is part of your iterative immersion into practice settings, which culminates with full integration in the legal profession after graduation. You will be working in a legal setting, but you will be more than an intern. The experience will be structured so that your learning takes center stage.

To obtain academic credit for work in a law office, you must:

1. Engage in substantial lawyering experiences that are “reasonably similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks,”
2. Receive feedback on these experiences from your Field Supervisor(s),
3. Reflect meaningfully on your experiences throughout the term, and
4. Conduct self-assessment.[[1]](#footnote-2)

The content of this Handbook is intended to enable your success in meeting these course requirements and also at stepping into the role of a student lawyer under the supervision of an experienced judge or attorney. It sets out procedures, rules and norms of the Residency-in-Practice course; provides detailed information about assignments beyond that found in your syllabus; and gives tips on how to get the most out of your field experience.

If you have questions after reading this handbook, please feel free to contact your Faculty Supervisor or the Director of Residencies, Professor Cindy Adcock, at cadcock3@elon.edu.

Have a great Residency!

1. **EDUCATIONAL OBJECTIVES OF THE RESIDENCY-IN-PRACTICE COURSE**

Through Elon’s Residency-in-Practice Course, students gain experience in a range of lawyering, leadership, and professional competences specific to the setting. There are also learning outcomes common to all students in Residency. Students in Residency

* transfer knowledge from the study of law to the practice of law through the application of doctrine in practice, bringing back new knowledge and skills to the classroom;
* increase their knowledge of the legal profession, enhancing their development as legal professionals and deepening their understanding of their professional responsibilities; and

* increase their ability to learn from experience during and after law school through regular feedback from attorneys, self-evaluation, and regular reflection on the lessons of practice under faculty guidance.

You will benefit from two differently-situated teachers to help meet these educational objectives: your Field Supervisor and your Faculty Supervisor. With their help, you will identify and pursue personal learning objectives for your placement within the above general objectives. Your learning objectives will be shaped not only by the opportunities at your Residency placement, but also by your assessment of your strengths, your challenges, and your career goals.

1. The BIG PICTURE: EXPERIENTIAL EDUCATION & REFLECTIVE LAWYERING

Having an experience does not guarantee learning from that experience. Rather, the extent and nature of what is learned depends on what one does with the experience. Experiential learning is active learning. The learning process is a cycle of planning, doing, reflecting and integrating (repeat). This cycle[[2]](#footnote-3) is the pedagogy of the Residency-in-Practice course.



In Residency, student learning is not left to accident; rather, the course emphasizes the need for intentional learning opportunities in which learning is maximized through reflection. The best lawyers/leaders reflect upon their experience in order to learn and to continually improve. The reason is simple. Developing expertise in the practice of law is like doing so in other areas, such as sports and music. One must identify the necessary skills for success, practice those skills, reflect on the performance of those skills, make adjustments, and repeat.

Several components of the Residency course are designed to aid you in developing the habit of reflection.

1. **Learning from Practice Journals**

Reflection is part of the cycle of developing expertise. To develop legal expertise, you must identify the necessary skills for success, practice those skills, reflect on the performance of those skills (and on the performance of others), make adjustments, and repeat. To aid you in developing the habit of reflection and recognizing valuable opportunities for learning in your Residency, you have weekly journal assignments. Journals are also a useful tool for confidential communication between you and your Faculty Supervisor, who will read them to keep up with what you are doing and learning.

Each week you will have a specific topic on which to reflect and write, so check the assignment on TWEN during the week to see what you should be thinking about. These topics are intended to compel you to record, observe, reflect upon and critically evaluate your experiences. You are encouraged to read the prompt at the beginning of each week, though your journal entries are not due until the end of the week. When writing about an experience be sure to distinguish between what happened and your analysis of what happened. Keep the description of the activity, observation or discussion brief. Focus on your thoughts, ideas, responses and reactions.

**Nuts and Bolts:**

* Journal submissions are due in the TWEN assignment drop box **each week by Sunday at midnight (unless your Faculty Supervisor says differently).** You are, of course, free to submit your reflection earlier in the week!
* **Your name and date should appear at the top of the first page of every submission**.
* Submissions should be at least 2 full pages, excluding any restating of the topic, and no more than 5 full pages.
* Double-space and use12 pt. font.
* Use complete sentences and organize your thoughts. Proofread!
* **Do not reveal client confidences or any protected work product in your submissions.**

Examples of good Learning from Practice Journals are included in Appendix A.

1. **Residency Conferences**

Over the course of the term, you will meet with your Faculty Supervisor, either in person or virtually, at least twice for an individual conference to review your goals, to reflect on your progress towards meeting them, and to address any other issues important to your success. You will also participate in two conferences with other Residents in your section, known as a Practice Affinity Group. (This is in addition to a meeting during the Introduction to Residency Workshop.) These group conferences are designed to hear about what others are doing and to address common Residency issues. The weeks for these conferences are noted in your syllabus.

1. **Self-Assessments**

**“**Knowing thyself” is key to success and happiness in your personal and professional life. In seeking professional growth, critical self-knowledge serves as a baseline from which to improve. Your Residency provides the opportunity to examine your experience, the critiques you receive, and your own understanding of your legal skills. Formal opportunities for self-assessment include at the individual conferences with your Faculty Supervisor and in journal entries.

1. **FIELDWORK RESPONSIBILITIES AND EXPECTATIONS**

For every academic credit, you must complete 45 hours of qualifying work. Therefore, for 7 academic credits, you must complete 315 hours (or 31.5 hours a week) and for 8 academic credits, you must complete 360 hours (or 36 hours a week). The required number of hours is a floor below which you may not finish. Therefore, if unexpected absences occur, you must make up the hours. Hours worked over and above the required hours may be counted as pro bono hours if the work falls into the definition of pro bono found on the school’s website at <https://www.elon.edu/e/law/student-experience/probono/index.html>.

1. **Getting started**

The presumptive start date for Residents is the first day of the trimester, unless a different date is agreed upon ahead of time. If you are in a placement that will require courtroom appearances, such as a District Attorney’s or Public Defender’s office, you are strongly encouraged to arrive on your first day with your **student practice certification letter**. Information on how to become certified in North Carolina can be found on the Office of the Registrar’s website. Links to the certification rules in other jurisdictions can be found at <http://guides.ll.georgetown.edu/StudentPractice>. Only Residents who will be representing the Government or indigent clients may become certified. If you want to be certified and have not discussed this matter with your Field Supervisor before your first day, you should discuss the possibility at that time.

On the first day of Residency, either your Field Supervisor or his/her designee will orient you to the office. If not previously handled, [[3]](#footnote-4)you should provide your Field Supervisor with the **Residency Trimester Agreement,** which can be found on your course TWEN site. This agreement sets forth the responsibilities of each of the parties and also provides space for you to record your schedule for the term.

The Field Supervisor is responsible for setting your schedule to ensure that you will be engaged in substantial lawyering experiences throughout the term and accomplish your learning goals, but there may be some flexibility allowing you to have input into the schedule. Once you and your Field Supervisor have reviewed the agreement and signed it, upload it onto your course TWEN site[[4]](#footnote-5) without the Faculty Supervisor’s signature. He or she will then review the agreement and sign it.

You may revise your work schedule or seek a temporary adjustment to accommodate some competing obligation only with the consent of your Field Supervisor. If you will miss a day due to illness or an emergency, you must let your Field Supervisor know as soon as possible.

Finally, you should expect that your Field Supervisor will discuss early on your professional obligations surrounding **confidentiality** and **conflicts of interest**. Re-read, or read for the first time, the applicable ethical rules for your jurisdiction before starting your Residency. Information on where to find these rules can be found in your initial reading assignment on your course TWEN site. You should be prepared to raise any specific concerns or questions about such things as whether you may work on office matters on your personal computer and whether any past legal work or any present personal relations raise potential conflicts of interest. Some offices and judicial chambers require students to sign a confidentiality agreement and/or to complete a conflict of interest form.

1. **Qualifying Work**

Residency differs from paid or unpaid internships in that the nature of the work is determined, at least in part, by the academic nature of the enterprise. Thus, while getting the required number of hours is essential, it is most important that students obtain a quality educational experience.

The shared focus of the Field Supervisor and the Faculty Supervisor is the learning goals of the student. How this focus differs from the focus of an intern who is not earning academic credit is illustrated in the following chart.[[5]](#footnote-6)



INTERN

RESIDENT AND EXTERN

These distinctions reflect the fact that for a law student to earn academic credit for fieldwork, the fieldwork must meet the requirements of the ABA Standards and Rules of Procedure for Approval of Law Schools. Pursuant to Standard 304(d), the fieldwork must provide a “substantial lawyering experience that [] is reasonably similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks.” In addition, according to Standard 304(a), the fieldwork must

1. integrate doctrine, theory, skills, and legal ethics, and engage students in performance of one or more of the professional skills identified in Standard 302;
2. develop the concepts underlying the professional skills being taught;
3. provide multiple opportunities for performance;

(4) provide opportunities for student performance, self-evaluation, and feedback from [ ] a site supervisor;

(5) [ ] have a classroom instructional component, regularly scheduled tutorials, or other means of ongoing, contemporaneous, faculty-guided reflection; and

(6) [ ] provide direct supervision of the student’s performance by [ ] a site supervisor.

Examples of the types of activities that meet these standards are:

|  |  |
| --- | --- |
| ***Trial-Level Litigation*** | ***Transactional Work & Appellate Litigation*** |
| Case planning & strategizing; Memo drafting | Planning and strategizing |
| Legal drafting: complaints, answers, motions | Formulation of arguments |
| Filing documents with court | Document drafting: briefs, contracts, reports |
| Discovery: interrogatories, requests for production of documents, etc. | Governmental filings |
| Depositions: prepare, observe, participate | Observation: client meetings, board meetings, appellate arguments |
| Trial preparation: trial strategy; preparation of documents; client/witness preparation; motions | Presentations; oral argument |
| Negotiation: preparation & observation; strategy | ***General*** |
| Mediation and Arbitration: preparation, observation, preparation of documents, client/witness preparation | Meeting with clients: interviews; follow-up correspondence; fact investigation; fees and retainer discussions |
| Settlement Conference: preparation, observation | Legal Research |
| Trial Observation and Participation | Exploration of ethical issues |
| Preparation of court orders | Practice Management: staff meetings; billing (how it is done in the office); conflict of interest management |
| Meeting with judge | Networking: bar meetings; colleague lunches; office social gatherings |

Field Supervisors know that students should be assigned challenging, varied, and increasingly complex legal projects over the course of the term. Although every office has a different emphasis, stressing different subject matters and skills, assignments should require the students to apply and develop legal skills and judgment. The assignments should be designed to expose students to the variety of legal tasks and issues that a lawyer in the practice regularly encounters in the context of actual cases and projects. Students should not be regularly assigned to perform routine or repetitive work, or clerical tasks such as filing, photocopying, or library updating. Because of its educational value, observation of lawyering activity is qualifying work; however, students should not typically spend time observing repeatedly the same type of activity, unless it is tied directly to an assignment.

1. **Identifying Learning Goals and Planning to Accomplish Them**

Each student will meet with his or her Field Supervisor early in week one to discuss the student’s Residency learning goals and the types of experiences that might help the student to achieve those goals. You and your Field Supervisor will discuss a plan that includes specific experiences designed to maximize your learning. By the end of the week, you should have enough information to produce a draft *Learning Goals and Plan Memo.*  As the name suggests, this memo will set forth your individual learning goals and your plan for accomplishing those goals. It will also indicate a benchmark for each goal indicating when you will know when you have reached it.

1. ***Purpose***

The *Learning Goals and Plan* process serves several purposes:

1. It encourages self-directive learning, pushing you to think proactively about what you want to accomplish over the term.  You are encouraged to think broadly about your educational and work experiences to date and to build upon these prior experiences.
2. It gives your Field Supervisor the opportunity to get to know you better, through exploration of your professional and personal goals and current expectations. Discussion can stimulate ideas about possible strategies for achieving your educational goals and keep the educational nature of your work experience in the forefront.
3. It serves as a checklist of “things to do,” a useful blueprint throughout the term to keep you on track for getting the most out of your placement. However, learning opportunities may change or expand over the course of the term. You should view your *Plan* as a work-in-progress.
4. It serves as a guide for your Supervisors to assess your progress.
5. ***Setting Goals and Objectives***

You will set 3-5 goals for the term, including one advanced practical legal skill goal and one substantive law goal. For each goal, you must identify 2-6 objectives, specific work assignments and experiences that you think will help in attaining the goal. For each goal, you must also indicate how you will measure/benchmark whether you have accomplished your goal.

A goal is an overarching principle that guides decision making. Objectives are specific, measurable steps that can be taken to meet the goal.

*For example*

Goal Increase effectiveness of oral communication with clients, office personnel, and attorneys.

Objectives 1. Introduce myself to everyone in the office, making a point of getting their names and roles

2. Look everyone in the eye when I speak to them.

3. Conduct at least three client interviews.

Objectives should be SMART:

* **Specific**, e.g., “observe jury voir dire,” “draft a complaint;”
* **Measurable**, e.g., student can say whether or not they observed jury voir dire and how often;
* **Attainable** in the placement period, e.g., observation of jury voir dire is possible because there are several trials scheduled during term;
* **Relevant** to the student’s long range goals; and
* **Time-bound,** i.e., goal will be accomplished by certain date.

**Questions to help you in set your goals and objectives:**

* What are you hoping to learn or to improve this term? Be specific. Rather than stating “I want to improve my research and writing,” articulate the areas in which you want to improve. For example, improve making my writing more concise.
* In what areas have you been critiqued in the past? How can you build on those past experiences?
* What strengths do you bring to this externship? Can these be leveraged in new ways?
* What tasks will be most challenging for you? What obstacles can you identify that might interfere with your ability to achieve goals? How do you plan to deal with the challenging areas or obstacles? In what ways can your supervisor help you to overcome these obstacles?

1. ***The******Process For Memorializing Goals Into A Plan:***
2. Draft your goals and objectives using the template in Appendix A or a similar format that suits you best. Some students, for example, like to create a chart.
3. Review your plan with your Field Supervisor. Do not have the Supervisor sign yet.
4. Revise plan based on Field Supervisor’s input.
5. Upload plan to TWEN for your Faculty Supervisor to review.
6. Discuss draft with Faculty Supervisor at initial individual meeting. This step not only gives the Faculty Supervisor important information about what you will be doing during the term, it gives you the opportunity for additional advice to maximize learning through the field experience.
7. Revise your plan as needed, sign it and obtain Field Supervisor’s signature.
8. Upload the revised version to TWEN.
9. ***An Example:***

**Learning Goals and Plan of Student A**

**At Legal Aid of North Carolina**

**Under Primary Supervision of Supervisor A**

**Goal One: Have a better understanding of immigration cases at a non-profit office**

**Objectives:**

* + Study Comprehensive Overview of Immigration Law Binder (COIL) provided for interns to give a basic understanding of imm. Law and to understand inadmissibility and deportability
  + Conduct Naturalization interview preparation for clients awaiting an interview with USCIS to become a citizen: Civics questions/reading/writing
  + Conduct casework using Immigration Air/Cerenade case management software
  + Contribute to the Legal Services Practice Manual to demonstrate competency in legal service provision

Benchmark: (1) Complete by 6/23 (2) Mid-service evaluation 6/30 to discuss the progress made on each skill since week 1 training

**Goal Two: Learn how to conduct a Naturalization Information Session**

**Objectives**

* + Shadow attorney conducting session
  + Study the process steps/power point and prepare to explain to potential clients the requirements and information needed to complete N-400
  + Conduct a Naturalization Information Session while being supervised
  + Solo facilitation of a Naturalization Information Session by: (a) reserving a conference room, (b) contacting potential applicants, and (c) then conduct it

Benchmark: Solo Facilitation by 7/1

**Goal Three: Learn how to Complete an N-600 for a Client**

**Objectives:**

* + Observe a consultation and finalization
  + Prepare a script to contact (call/email) former natz clients and offer our services in assisting with getting their children a certificate of citizenship
  + Input steps into intern manual to show preparation for solo facilitation
  + Contact clients
  + Be shadowed while completing an N-600 consultation and finalization
  + Solo facilitation of an N-600 case

Benchmarks: (1) Observe and prepare by 6/23 (2) Solo Facilitation by 7/7

**Goal Four: Learn how to Complete a Green Card Application (I-485, Refugee AOS)**

* + Shadow a consultation and finalization of GC application
  + Conduct a consultation and finalization while being shadowed
  + Facilitate an information session if applicable (there are currently no potential clients on the waiting list)

Benchmark: (1) Shadow c/f by 7/1 (2) Conduct by 8/1

Learning Goals and Plan template can be found in Appendix B.

1. **Documenting Fieldwork**

You are required to record your hours worked and upload your time-log weekly, typically no later than 11:59 pm each Sunday. Like most lawyers, you can only record time actually spent working. So, for example, a lunch break can be counted only if it is a working lunch. Unlike most lawyers, however, you do not have to limit time-keeping to “billable” time. Thus, you may log any time that you are engaged in law-related activities, including observing court and traveling to meetings.

A time-log in the form of a spreadsheet is provided to you on your course TWEN site. It includes instruction on how to log your time. You should log your hours for each activity in a day, rounded to the nearest tenth of an hour. Thus, if you work 3 hours and 15 minutes on a research project, you would log 3.3 hours. You must also provide a description of what you did in each block of time sufficient for your Faculty Supervisor to follow what you are doing. Use verbs to indicate what you did. Do not reveal any client name or any confidential or privileged information in your time-log.

1. GETTING EFFECTIVE SUPERVISION & FEEDBACK

While some lawyers are effective student supervisors, others mean well but struggle with the responsibility. Even good supervisors have lapses, often due to busy schedules. Thus, it is helpful if students understand what effective supervision looks like and how to seek it. Two components of effective supervision are A) clearly articulated assignments and B) constructive feedback.

* 1. **Assignments**

Understanding what is expected of you when you receive an assignment at your placement is essential to producing quality work product. Use this checklist to make sure you have answers to all the relevant questions for the particular task you are being assigned.

1. **Do you understand all the details of the assignment?** If details of the assignment are not provided in writing, take notes while receiving the assignment. Important details include:

* Format, style, and length of the work product to be delivered;
* How much time should be spent on the project;
* How the work product will ultimately be used; and
* When is the work product due.

Most importantly, check for clarity of understanding before beginning your assignment:

* OK, just to make sure I understand, you want me to… (sum up assignment).

1. **What methods and tools should you use?** It is your responsibility to develop your own plan for accomplishing your assignment but vetting that plan with your Field Supervisor before getting started is wise. Doing so will not only help you avoid wasted time and energy but also impress your supervisor with your professionalism. Do not be afraid to ask questions about the assignment,such as where to find specialized legal research materials, how to organize and review case files, and whether there are appropriate examples or models of work product or documents similar to what your supervisor is requesting. Specific questions might be:

* Do you have any suggestions about the best place to start my research? *or* I was thinking of starting with the treatises [or Westlaw] [or A.L.R.]; would you recommend anything else?
* Are you interested in federal [or NC or 4th Circuit] law only, or should I broaden my search?
* Are there any samples of this type of [motion/brief/pleading/memo] I can look at? Where can I find them?
* Along with my memo, do you want me to turn in copies of the cases or other research materials I used? [Even if the answer is “no,” save them in case your supervisor asks for them later.]
* Are there any documents from the case file that I can look at to familiarize myself with the case more generally?

**3. Do you know what to do if you get stuck?**  It is difficult to anticipate all the nuances and tangents that may occur with an assignment. When given a lengthy assignment, ask your supervisor the best way to check in on progress and direction. You might ask: “Are you available if I have questions or need to check in? Can I email you with questions?”

* 1. **Feedback on Performance**

The importance of receiving feedback cannot be over-emphasized. Feedback is so essential that the ABA, in its accreditation standards, requires that where law students are earning academic credit for fieldwork, the site must provide multiple opportunities for performance, feedback, and self-evaluation. Accordingly, you should receive detailed constructive feedback on each written work product, as well as on any oral presentation. Ideally, you receive feedback informally on a regular basis. Areas of feedback include the following:

* **Research ability:** Is the student familiar not just with Westlaw and Lexis research but also with library tools, treatises, etc.? Is her research careful and accurate? Does she produce practical and useful results?
* **Legal analysis:** Is he able to identify the relevant issues? Does he integrate legal concepts with facts in a coherent and logical progression?
* **Creativity:** Is she able to develop alternative arguments and pursue analogous extensions where the law is nebulous? Does she display curiosity and imagination?
* **Writing skills:** Are his drafts focused and well-organized? Does he write clearly, and persuasively? Does he use excessive legalese? Does he write for the appropriate audience? Does he cite accurately?
* **Oral advocacy:** Does she communicate effectively with you, her colleagues, and the clients?
* **Professionalism:** Does he ask questions when needed? Is he dependable? Does he manage his time well? Does he work independently? Does he accept criticism? Does he take initiative? Was he reflective of his work on the matter?
* **Client relations/communication:** Is she diplomatic? Does she make clients feel comfortable? Is she persistent?[[6]](#footnote-7)

Field Supervisors are required to give more formal assessments of your progress a few weeks in, as a baseline, and at the end-of-term. Forms will be sent to your Field Supervisor by your Faculty Supervisor. These assessments are tools for your Field Supervisor to use to highlight areas of lawyering skills, knowledge, and values in which you are excelling and the areas in which you can improve. The forms are to be signed by you and your Field Supervisor. You should then upload the forms onto TWEN.

Both giving and receiving feedback can be uncomfortable. Supervisors may be reluctant to critique a student’s work or may simple forget because of a busy law practice, thus students play an important role in obtaining constructive feedback. Without feedback, you may assume that "no news is good news," and continue to repeat the same errors. You want to get a sense of what you did well and why and want help to develop strategies for improvement.

Tips for seeking feedback include:

* Seek feedback in a timely manner
* If Supervisor is busy, set an appointment
* Be prepared
* Ask for examples when not clear
* Do not react defensively
* Keep the lines of communication open
* Be appreciative

# Additional advice on how to get feedback can be found in Chapter 3 of Learning from Supervision by Cole and Wortham (assigned chapter per syllabus).

* 1. **The Role of Your Faculty Supervisor in Ensuring Effective Supervision and Feedback**

At the mid-term, your Faculty Supervisor will meet with your Field Supervisor to confirm the education quality of your experience and to assess the progress you are making on your goals. Ideally, this check-in is in person, with the student present. Assessments and corrections can be made best in person. However, if time or distance does not allow for an in-person check-in, it can be done via phone or Skype, with or without the student participating.

Ultimately, the Faculty Supervisor has responsibility for grading your performance in the course. As set forth in your syllabus, the student is graded on a pass/fail basis. Minimum requirements to Pass are:

1. Completion of required number of hours.
2. Timely submission of all assignments, including weekly journal entries and time logs.
3. Professionalism in dealing with Site Supervisor, Faculty Supervisor, and clients.

Exemplary performance on-site and in written assignments may result in Honors. Failure to meet standards will result in either a Low Pass or a Fail, depending on the degree of the gap.

**CONCLUSION**

Your Faculty and Field Supervisors hope you fully appreciate that your learning is central to your Residency-in-Practice. The course has been carefully crafted to help you apply the knowledge, skills, and professional values that you have developed thus far in law school --and in life -- to the actual practice of law. You will be leaving a lasting impression on the lawyers, judges and others giving of their time and energy to teach you the practice of law. It is our hope that this Handbook will help make that lasting impression a positive one.

You are not alone in this endeavor. Whenever questions or concerns arise, do not hesitate to contact your Faculty Supervisor, the Director of Residencies, or others in the law school involved in this program, such as the staff of the Office of Career and Student Development.

**APPENDIX A**

**Examples of good journal entries**

Melissa Watkins  
November 3, 2017

*Describe your most challenging experience in your field placement. What made the experience challenging? How did you handle the challenge? Was the result satisfactory? If so, why? If not, what could you have done differently?*

The most challenging part of my field placement is the subject matter of some of the cases. My placement with the Bureau of Prisons has provided me with the opportunity to work on a wide variety of cases involving various areas of law. However, certain areas prove to be more difficult than others. Specifically, I have been assigned to cases involving child molestation and severe mental illness, and those cases have been very challenging to handle.

The subject matter of certain types of cases is challenging because it requires me to engage with a topic that is very uncomfortable and unpleasant. In order to effectively represent the US government in cases involving child molestation, I at times have to read through difficult case files, containing graphic material. Additionally, some of the cases require watching interviews with victims and that is always incredibly upsetting. Mental health cases are also very challenging because of the emotional impact of the case. Mental health matters often involve individuals who are suffering from very severe cases of mental illness. Those illnesses manifest themselves in a way that can often be challenging to those handling matters involving the individual. Both child molestation and mental illness are matters that Americans often avoid talking about and that makes both issues even more uncomfortable.

Handling these cases has been challenging but as time has gone on I have found ways to cope with the difficult and upsetting nature of the cases while ensuring that I am still able to effectively do my job. One major way I handle these difficult cases is to take breaks from working on them periodically. It is easy to get absorbed into the negativity that such cases present, so I have found it important to remove myself from the cases and clear my head. This helps me to avoid becoming too upset. Additionally, I will reach out to attorneys in my office to vent and discuss how I am feeling about certain cases. This has proved very beneficial because I am able to talk to someone that is familiar with the work and the challenges presented by certain types of cases. Having someone that understands the challenges helps because they often can provide helpful perspective and coping techniques. My final way of dealing with these challenging cases is to make sure that I leave my work at work. I try to not think about these cases after leaving work because it can very easily become very overwhelming.

My coping strategies have been successful in helping me to deal with this challenging aspect of my placement. I have become more capable of handling these difficult cases and do not dread being assigned these cases as much anymore. Initially, I found these cases hard to work on, and even harder to talk about. However, now I feel more comfortable working on these cases and reaching out to the attorneys in my office about these uncomfortable matters. Even though I feel as though I have made good progress in dealing with these aforementioned challenges, I wish that I had developed effective coping strategies earlier on in my time with the Bureau of Prisons. I spent a decent amount of time being unable to cope with these difficult cases with upsetting subject matter and found that I dreaded having to work on such issues. However, now I feel as though I am better at my job because I am more readily able to take on such cases and produce quality work regarding the legal issues presented by them.

Despite the difficulty, I am very happy to have been exposed to this challenge while at my placement with the Bureau of Prisons. I have already seen the value that overcoming such a challenge will provide to me moving forward in my career. I have referenced such challenges in several job interviews that I have been involved with because the interviewer asked a question about handling difficult cases or challenges.

Charles Draeger

Journal #7

October 26, 2018

This week I had a soul-searching moment after a pair of jail visits to go over discovery with clients. I struggled to reconcile my thoughts with the goals of defending clients.

I went to the first client who was charged with an impaired double vehicular homicide. I was worried that I would struggle to put my feelings about the crime aside in order to assist the client. I was especially concerned with how I might respond to the client’s attitude. I was pleasantly surprised by this client. He was cooperative and receptive of my help and was not trying to assert untenable positions. I wanted to help this guy get fair treatment under the law.

The second client I visited was charged with assault with a deadly weapon inflicting serious injury, amongst other assaults, over a period of months against the same alleged victim. I read through the discovery before going over to the jail, including a jail call that made me question whether he was being honest with his attorney. However, it did not seem like an out of the ordinary domestic assault case. I have worked those cases from both sides of the shuck and was confident I would not have any big problems with it. By the end of talking about the discovery with this client I was could not muster a pleasant thought regarding this client.

This combined with some of my prior observations about defense attorneys differing opinions of their clients made me seriously question if anyone can fairly and zealously represent someone that they do not like. These clients may receive satisfactory care under the law, but there is a difference between zealous advocacy and perfunctory advocacy. I do not want to accept that my career will require perfunctory advocacy. The question that remains is whether that is a commitment that a person can make or whether certain roles in the criminal justice system require such behavior. I am worried that public defenders, generally, must engage in less than zealous advocacy. They cannot filter what cases they are assigned like private defense counsel can. They also do not have control over the dispensing of justice like the district attorneys do.

I spoke to one of the public defenders about this. I was advised that you can only be as zealous as your client allows you to be. If his behavior hinders his own defense, and you have advised your client of that risk, then the best you can do is all you can offer. I still worry that perception and emotions regarding a client may set the bar for “the best that can be done.” I have tried to dig past that. I take extra time with clients who have made my job difficult. If they need me to sit down and listen to them scream for half an hour before we can make progress on their case, then that’s what I do. I do not know how to deal with a client who is determined not to trust his attorney with the truth. However, I have been able to eventually break through the resistance and accomplish my goals with clients through showing them that I am there for however they want to handle their case. I have played the role of the legal analyst, educator, therapist, and stand-up comedian. I have felt that I fulfilled my role as their attorney in all those instances.

**APPENDIX B**

**LEARNING GOALS AND PLAN OF** \_\_\_\_\_\_\_\_\_\_\_\_\_[Student Name] **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**AT:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**[Field Placement Site]\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SUPERVISED BY:** \_\_\_\_\_\_\_\_\_\_\_\_\_[Site Supervisor Name] **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

GOAL 1:

Objective 1:

Objective 2:

Objective 3:

Benchmark for Goal 1

GOAL 2:

Objective 1:

Objective 2:

Objective 3:

Benchmark for Goal 2

GOAL 3:

Objective 1:

Objective 2:

Objective 3:

Benchmark for Goal 3

**SIGNATURES TO BE RECORDED AFTER REVIEW BY FACULTY SUPERVISOR**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Student

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Site Supervisor

1. ABA Standards and Rules of Procedure for Approval of Law Schools 304(d) (2018). [↑](#footnote-ref-2)
2. The learning process as a cycle is well-known and well-used. This particular illustration is borrowed from Leah Worth, et al., Learning From Practice: A Text for Experiential legal Education (3rd ed. 2016). [↑](#footnote-ref-3)
3. Students who want to enroll in an accompanying course that occurs during work hours must obtain permission from their Field Supervisor ahead of time. In doing so, the student will use a **Residency Trimester Agreement** designated for such purpose, available on the website of the Office of the Registrar. [↑](#footnote-ref-4)
4. If you do not know how to scan a document in order to upload it online, consider this need a learning opportunity. You may ask for help at your workplace or ask the Administrative Assistant to the Residency Program, Monica Padilla, to assist you. All the copiers at the law school can also scan. [↑](#footnote-ref-5)
5. From the California Western School of Law Clinical Internship Supervising Attorney Handbook (2010) at 7 <https://www.cwsl.edu/academics/academic-initiatives/clinical-internship-program/for-supervising-attorneys>. [↑](#footnote-ref-6)
6. List from Capital Area Consortium on Externships, Manual for Externship Advisors at 4, available at <http://www.law.howard.edu/dictator/media/104/CACE_Manual_for_Extern_Supervisors.pdf>. [↑](#footnote-ref-7)