

# ACHIEVING EXTERNSHIP SUCCESS: AN EMPIRICAL STUDY OF THE ALL- IMPORTANT LAW SCHOOL EXTERNSHIP EXPERIENCE

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## ABSTRACT

With law school externships more popular than ever, the need for an empirical evaluation of externship success is timely and essential. The promise of getting closer to practice readiness propels many law students to enroll in externships (also known as field placements). However, no study has empirically measured whether and to what extent law students get close to first-year law practice readiness through their externship, or what factors lead to that success. Without such a study, the American Bar Association's regulation of externships and law schools' externship design decisions are made without the benefit of critical data. This Article describes the year-long, multi-school Externship Study conducted to concretely measure (1) whether and to what extent externships lead to practice-readiness and (2) which

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attributes of the law school, the externship placement, or the students themselves are the most important contributors to that success.

In this Article, the authors use statistical models, descriptive summaries, and a narrative summary to analyze data from hundreds of law students and the lawyers and judges who supervised them in externships. The results reveal a high level of externship success, measured in terms of practice readiness. The contributing factors to that success are noteworthy. For example, the Externship Study shows that neither law school entering credentials (e.g., median entering LSATs of 168, 158 and 153 for the surveyed schools) nor the academic component of the externship (i.e., class and related work in addition to the externship fieldwork – as low as 3.25 hours and as high as 27.5 hours for the surveyed schools) contribute to externship success. Moreover, law school GPA plays a very limited role in externship success. Instead, the most important factor that leads to measurable extern success is the student’s relationship with supervisor, feedback from supervisor, and nature of assignments at the placement. Other contributing factors include the students themselves, who play a critical role in their externship success – namely, their previous professional experience, motivation to work in the real world, as well as their attitude toward the externship. These findings warrant attention as a critical first step for data-driven externship policy and program decisions.

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## INTRODUCTION

In law schools around the country, school-credit externships are booming. Getting hands-on “substantial lawyering experience”<sup>1</sup> under the supervision of an attorney or judge makes externships (also referred to as field placements) a desirable law school course for many soon-to-be attorneys. During the 2018-19 academic year alone, American Bar Association (“ABA”)-accredited law schools offered their students 28,546 externships.<sup>2</sup> That means that 39.5% of the total upper-division law student population of ABA schools gained an externship experience during the 2018-19 academic year.<sup>3</sup> Notably, this percentage marks a significant increase compared to 2011-12 when externships were undertaken by 34.6% of the upper-division law student population.<sup>4</sup>

This growing demand for externships is the result of several factors working in concert. First, increased focus on hands-on learning reflects the picture of legal education in the post-Carnegie Report era. The 2007 Carnegie Foundation for the Advancement of Teaching’s *Educating Lawyers: Preparation for the Profession of Law* criticized law schools’ preparation of law students for practice, setting in motion significant changes in legal education across the country.<sup>5</sup> Second, in 2016, the American Bar

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<sup>1</sup> ABA SECTION ON LEGAL EDUCATION AND ADMISSIONS TO THE BAR, STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2019-2020 (2019), Standard 304(d), [https://www.americanbar.org/groups/legal\\_education/resources/standards/](https://www.americanbar.org/groups/legal_education/resources/standards/).

<sup>2</sup> 509 *Required Disclosures*, ABA SEC. LEGAL EDUC. & ADMISSIONS, <http://www.abarequireddisclosures.org/Disclosure509.aspx> (last visited Apr. 24, 2019) (select “Curricular Offerings” under “Compilation - All Schools Data,” then “Field Placements”).

<sup>3</sup> *Id.* Even though the same student may do more than one externship during the course of the year, for purposes of providing a straightforward reference, the percentage of externships is based on the total upper-division law student population. The focus is on the upper-division student population only because externships in the first year are rare. See Robert Kuehn, *A Sneaky Peak at CSALE 2019-20: Clinical Law Faculty and Their Courses*, CLEA NEWSLETTER, (Clinical Legal Educ. Ass’n, Philadelphia, Pa.), Spring 2020 at 10 (“only seven schools offer or require a law clinic or field placement course as part of the first-year curriculum”).

<sup>4</sup> *Id.* The percentage of externships, based on upper-division enrollment, has seen a steady increase over the past several years. For example, for the 2011-2012 academic year the rate was 34.6%, for the 2012-2013 academic year the rate was 36.4%, and for the 2013-2014 academic year the rate was 37.9%.

<sup>5</sup> WILLIAM M. SULLIVAN, ANNE COLBY, JUDITH WELCH WEGNER, LLOYD BOND & LEE S. SHULMAN, *EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW* 15, 27 (Carnegie Foundation for the Advancement of Teaching 2007) [hereafter “Carnegie Report”], one of a series of reports on professional education by The Carnegie Foundation for the Advancement of Teaching, examined how law schools prepare students for practice, focusing on the question confronting professional schools: “preparing students for the complex demands of professional work -- to think, to perform, and to conduct themselves like professionals.” It noted: “today’s legal education is sometimes able to marshal the three kinds of apprenticeship [cognitive, practice, and identity and purpose] in support of the larger goal of training competent and committed practitioners. . . . [H]owever, in

Association Standards for Approval of Law Schools (“ABA Standards”) instituted a requirement for JD graduates to take at least six units of experiential courses (which include externships, along with clinics and simulation courses). This change was spurred by the Carnegie Report and widespread sentiment that law schools need to do a better job of preparing graduates for practice.<sup>6</sup> Finally, it seems that the legal market has also been a driving force behind the increased popularity of externships, given that the

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other ways the current system undermines that aim by failing to do justice to the full range of apprenticeship necessary to orient students to the full dimensions of the legal profession.” *Id.* at 29. In illustrating this point, the Carnegie Report pointed to the sharp contrast between significant clinical training in medical school and legal education, where “[t]oo often, the complex business of learning to practice is largely deferred until after entry into licensed professional status.” *Id.* at 88. In examining the educational task faced by law schools, the Carnegie Report recommended adoption of a 3-part integrative rather than additive approach, involving “the cognitive, the practical, and the ethical-social[.]” *Id.* at 191. It concluded, *inter alia*, by advocating for increased coverage of practical skills and professionalism – along with the traditionally extensive coverage afforded to teaching doctrine and analysis. *Id.* at 188, 194-200. Legal education widely took notice of the Carnegie Report and significant changes to legal education followed. William M. Sullivan, *After Ten Years: The Carnegie Report and Contemporary Legal Education*, 14 U. ST. THOMAS L.J. 331, 336-37 (2018) (“The most comprehensive assessment of such impact derives from a survey of all ABA-accredited law schools conducted in 2011 by the Educating Tomorrow’s Lawyers project of the Institute for the Advancement of the American Legal System. This survey explicitly asked the responding schools to list and describe changes they had made in curriculum, along with their activities to promote attention to teaching and learning among faculty, including any changes they had instituted to tenure and reward procedures as a result. With a high response rate of sixty percent, or 118 law schools, the survey revealed that there had been considerable experimentation in all areas of the curriculum. This turned out to be especially so in the areas corresponding to the three apprenticeships of the Carnegie Report: doctrinal teaching, practice opportunities, and explicit initiatives concerning professionalism.”).

<sup>6</sup> ABA SECTION ON LEGAL EDUCATION AND ADMISSIONS TO THE BAR, STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2019-2020 (2019), Standard 303(a)(3) (requiring “one or more experiential course(s) totaling at least six credit hours”); *see also* Clinical Legal Education Association, *Comment of Clinical Legal Education Association on Proposed Standard 303*, AMERICAN BAR ASSOCIATION (January 30, 2014), [www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/council\\_reports\\_and\\_resolutions/comments/201401\\_comment\\_ch\\_3\\_std\\_303a3\\_clea.pdf](http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/comments/201401_comment_ch_3_std_303a3_clea.pdf) (citing the Carnegie Report and noting that “professional education requires more than the acquisition of classroom knowledge; it requires education in the skilled application of that knowledge in real-practice situations.”); Society of American Law Teachers, *Comment of Society of American Law Teachers on Proposed Standard 303*, AMERICAN BAR ASSOCIATION (undated), [www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/council\\_reports\\_and\\_resolutions/comments/201401\\_comment\\_std\\_303a3\\_salt.pdf](http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/comments/201401_comment_std_303a3_salt.pdf) (arguing that students must “have experience working in realistic settings where doctrine, practice, and values are integrated in order to ensure that their graduates not only know theory but also are competent practitioners who are ready and able to serve the profession and their communities.”).

market wants new hires to already have some real-world legal work experience.<sup>7</sup>

Despite the increasingly critical role that externships have played in law students' professional prospects in recent years, no empirical analysis exists in legal education scholarship to probe into supervisors and students' experience of externship success. At the same time, rigorous empirical studies are much needed for at least two reasons. First, such studies would inform the ABA in its promulgation of the Standards that govern externships, Standards that at times have been overly prescriptive without an empirical basis.<sup>8</sup> Second, law schools that strive to offer their students the best preparation for practice need such empirical data in designing their externship program to optimize their students' externship experience. The study at the core of this Article ("the Externship Study") fills the void. It constitutes a foundational step in the nascence of this much-needed area – relying on statistical models, descriptive summaries, and a narrative summary from 172 externship supervisors and 234 externs from Chapman University, Dale E. Fowler School of Law, Southwestern Law School, and UCLA School of Law.

Although externship programs and courses are designed and taught in a multitude of ways<sup>9</sup> – a variety observed in the three schools studied – what's universal is the significant number of fieldwork hours involved, thereby exposing students to the demands and chaos of the real world of the legal practice that they will soon enter.<sup>10</sup> The externship provides an opportunity

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<sup>7</sup> ALLI GERKMAN & LOGAN CORNETT, INST. FOR THE ADVANCEMENT OF THE AM. LEGAL. SYS., FOUNDATIONS FOR PRACTICE, HIRING THE WHOLE LAWYER: EXPERIENCE MATTERS 5 (January 2017),

[https://iaals.du.edu/sites/default/files/documents/publications/foundations\\_for\\_practice\\_hiring\\_the\\_whole\\_lawyer.pdf](https://iaals.du.edu/sites/default/files/documents/publications/foundations_for_practice_hiring_the_whole_lawyer.pdf). [hereinafter IAALS Hiring Criteria Report] (over 24,000 respondents from across the country and across all types of practice areas, identified practice-related hiring criteria as most helpful – leading with the following three categories: legal employment; recommendations from attorneys and judges; and externships).

<sup>8</sup> See notes 20-21, *infra*.

<sup>9</sup> See generally ROBERT R. KUEHN ET. AL., THE 2019-20 SURVEY OF APPLIED LEGAL EDUCATION, CENTER FOR THE STUDY OF APPLIED LEGAL EDUCATION (2020), [https://uploads-ssl.webflow.com/5d8cde48c96867b8ea8c6720/5f5bcf9641910f246b95ead9\\_Report%20on%202019-20%20CSALE%20Survey.pdf](https://uploads-ssl.webflow.com/5d8cde48c96867b8ea8c6720/5f5bcf9641910f246b95ead9_Report%20on%202019-20%20CSALE%20Survey.pdf) [hereinafter "CSALE Survey"]; see also Harriet N. Katz, *The Past and Future of Externship Scholarship*, 23 CLIN. L. REV. 397 (2016) (surveying decades of published externship scholarship revealing the wide variety of approaches to the externship course).

<sup>10</sup> ABA SECTION ON LEGAL EDUCATION AND ADMISSIONS TO THE BAR, STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2019-2020 (2019), Standard 304(d) (externships must provide "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 a setting outside a law clinic."). According to the CSALE Survey, fieldwork hours per unit range from 42.5 hours/credit (23% of respondents) to more than 60 hours/credit (12% of respondents), with the remainder of the respondents in between.

like no other in legal education for the law student mindset to recede and for the student to begin to understand first-hand the serious and complex responsibilities of an attorney and counselor. In fact, externships are commonly hailed as critical to a new attorney's readiness for practice.<sup>11</sup>

This Article's starting point is that success in an externship is of immense importance to law students. A meaningful and rich externship experience is a vital part of getting a student practice-ready as a first-year attorney. Of course, the definition of "success" could depend on a particular externship course's learning objectives. But presumably the ability to acclimate into and perform in the real world of practice is a defining characteristic of externships, setting them apart from other components of legal education, including simulation courses and clinics.<sup>12</sup>

In light of the salience of having a successful externship, the Externship Study empirically examines two central questions: First, whether externs are in fact successful in their externships – in other words, by the end of their externship, how close are they to practice readiness as a first-year attorney. And second, what factors most contribute to externship success. As summarized below in Section II, externship scholarship to date has not included an empirical analysis of externship success. Informed by two of its authors' combined thirty years of directing externship programs and teaching in them, this Article contributes to existing literature concerning externships by exploring these questions – for the first time – based on year-long, multi-

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<sup>11</sup> IAALS Hiring Criteria report, *supra* note 7, at 5; RONIT DINOVIETZ ET AL., THE NALP FOUNDATION FOR LAW CAREER RESEARCH AND EDUCATION & AMERICAN BAR FOUNDATION, AFTER THE JD: FIRST RESULTS OF A NATIONAL STUDY OF LEGAL CAREERS 8 (2004) (national survey tracking professional lives of 5000 lawyers for 10 years found that respondents rated "internships" relatively highly among law school experiences helpful for transition to practice, with mean of 4.48 on a 1 to 7 scale of not at all helpful to extremely helpful, with most helpful among the 10-item category being legal employment during summers and school year at 5.48 and 5.04 means respectively, and legal ethics and pro bono being the least helpful at 3.28 and 3.15 mean respectively); *see also* MAXWELL D. ROSENTHAL, THE BRIDGE: HOW TO LAUNCH YOUR CAREER THROUGH A LEGAL INTERNSHIP (LexisNexis 2015) (ebook); Margaret E. Reuter & Joanne Ingham, *The Practice Value of Experiential Legal Education: An Examination of Enrollment Patterns, Course Intensity, And Career Relevance*, 22 CLIN. L. REV. 181, 183 (2015) (survey of more than 2000 lawyers found that experiential learning, including externships, was "rated positively by nearly every lawyer.").

<sup>12</sup> As compared to externships, the environment of a simulation course is, of course, completely artificial and controlled by the professor. In a clinic, the professor usually handpicks the cases best suited to student work in an environment over which the professor still has some degree of control and participation in. *See* DEBORAH A. MARANVILLE, ET AL., BUILDING ON BEST PRACTICES: TRANSFORMING LEGAL EDUCATION IN A CHANGING WORLD (2015) (Chapter 5) (finding one of the defining characteristics of an externship to be "immersion in practice.").

school methodical data gathering and analysis of hundreds of survey responses from both students and supervisors.

Since externs' success at their externship is the heart of this Article, defining "success" is a crucial task. Because the Article focuses on practice readiness as an entry-level attorney, it relies on the definition by the Institute for the Advancement of the American Legal System ("IAALS"): the Foundations for Practice study ("Foundations"). Foundations is the most recent and extensive study about what entry level attorneys need to begin a successful legal career.<sup>13</sup> As will be described more fully in Section III below, the Foundations study aimed to clarify what legal skills, professional competencies, and characteristics make lawyers successful – specifically, what entry-level attorneys need to embark on a successful legal career.<sup>14</sup> With over 24,000 respondents from across the country representing over seventy practice areas, and identifying a total of 147 foundations built on prior, more limited studies, Foundations' 2016 report provides crucial information about what law school graduates need to launch their legal careers.<sup>15</sup> Based on the large-scale nationwide response from attorneys, IAALS identified seventy-seven foundations that new attorneys need – grouped into three categories: legal skills; professional competencies; and character attributes.<sup>16</sup>

Thus, to answer the Article's first research question – whether and to what extent externs are successful at their externships – the foundations identified by the IAALS report provided the most valuable assessment tool. To make data gathering more manageable, the Externship Study focused on twenty-nine of the seventy-seven foundations. These twenty-nine foundations were chosen because they are the most relevant to the features of the externship experience (as opposed to first year of lawyering). Nevertheless, the three general categories identified by the Foundations study – legal skills, professional competencies, and character attributes – remained fully represented by the selected twenty-nine foundations.

To answer the second question of what factors contribute to externs' success – i.e., getting as close as possible to first-year practice-readiness – the Externship Study identified seven inputs to study: (1) whether the student

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<sup>13</sup> Alli Gerkman & Logan Cornett, *Foundations for Practice: The Whole Lawyer and the Character Quotient*, INST. FOR THE ADVANCEMENT OF THE AM. LEGAL. SYS. (July 2016), [https://iaals.du.edu/sites/default/files/documents/publications/foundations\\_for\\_practice\\_whole\\_lawyer\\_character\\_quotient.pdf](https://iaals.du.edu/sites/default/files/documents/publications/foundations_for_practice_whole_lawyer_character_quotient.pdf). [hereinafter IAALS Character Report].

<sup>14</sup> Alli Gerkman & Logan Cornett, *Foundations for Practice: Survey Overview and Methodological Approach*, INST. FOR THE ADVANCEMENT OF THE AM. LEGAL. SYS., (July 2016), [https://iaals.du.edu/sites/default/files/documents/publications/foundations\\_for\\_practice\\_survey\\_overview\\_and\\_methodological\\_approach.pdf](https://iaals.du.edu/sites/default/files/documents/publications/foundations_for_practice_survey_overview_and_methodological_approach.pdf). [hereinafter IAALS Methodology Report].

<sup>15</sup> *Id.*

<sup>16</sup> IAALS Character Report, *supra* note 13, at 29-34.



received “effective training and clear instructions” from the field supervisor before most assignments; (2) whether the supervisor “provided detailed feedback” on most assignments; (3) whether the externship was in a practice area that the student was “very interested in”; (4) total academic hours (how many hours total were spent in externship class and preparing, reading, and journaling); (5) how many units the student was taking the externship for (excluding units attributed to a classroom or similar component); (6) whether the student previously worked in a professional setting; and (7) self-reported cumulative GPA. These seven factors were then measured against students’ scores on the twenty-nine selected foundations that new attorneys need, turning foundations ratings into an “ability” score, which in turn demonstrated whether and to what extent each factor actually mattered.<sup>17</sup> In addition, the Externship Study supplemented the data with some qualitative information, surveying students on what they believed to be the reasons for their success in their externships.

As described in detail in Section IV below, The Externship Study yielded noteworthy results, relevant to the ABA’s regulation of externship programs as well as takeaways for law schools to consider for the benefit of their students. The following is a brief preview of the most salient findings:

First, supervisors rate their externs as being pretty close to practice readiness by the end of the externship. Importantly, the law school GPA plays a very limited role in predicting externship success.

Second, the high level of externship success exists at all three schools surveyed, regardless of widely different entering credentials and the vast difference in the externship program’s academic component for the three schools – specifically in terms of the number of class hours and related preparation, readings, and journaling.

Third, the three probative angles as to what factors contribute to externship success (statistical models; descriptive summary; and narratives summary) point in one direction: the supervisor – namely, relationship with supervisor; feedback from supervisor; and nature of assignments at the placement.

Fourth, the three probative angles also reveal that students themselves play a critical role in their externship success – namely, previous professional experience, motivation to work in the real world as well as their attitude toward the externship emerged as top contributors to success.

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<sup>17</sup> See *infra* Section III.C.

Fifth, the Externship Study shows that supervisors self-assess their supervision more favorably than do students; students self-assess their performance more critically than their supervisor; and students' legal skills are not as developed as other professional attributes.

These findings provide concrete empirical data to guide externship program design and focus.

### I. ABA EXTERNSHIP GOVERNANCE AND THE DEARTH OF EMPIRICAL SCHOLARSHIP

The questions the authors seek to answer with this Article are (1) whether and to what extent students are "successful" in their externships in that they come close to the practice-readiness of a first-year attorney, and (2) what factors lead to such a successful externship experience. In other words, what goes into an externship program in which students succeed at their placements?

The first place one might look for answers is the ABA Standards, presuming that if a program meets the detailed requirements set by the ABA, then the participants in that externship program should achieve some level of success.

ABA Standard 303 requires that students take "one or more experiential course(s) totaling at least six credit hours."<sup>18</sup> In turn, Standard 304 defines experiential courses, and in particular externships. Externship courses, per the ABA, 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 ... under the supervision of a licensed attorney or an individual otherwise qualified to supervise."<sup>19</sup> Standard 304 goes on to lay out more specific requirements, namely (i) a written understanding between the site supervisor, faculty supervisor and student as to the scope of the externship and each party's role; (ii) a method for selecting, training, evaluating and communicating with site supervisors; (iii) evaluation of each student's educational achievement by a faculty member; and (iv) sufficient control of the student experience to ensure that the requirements of the Standard are met.<sup>20</sup>

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<sup>18</sup> ABA SECTION ON LEGAL EDUCATION AND ADMISSIONS TO THE BAR, STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2019-2020 (2019), Standard 303, [https://www.americanbar.org/groups/legal\\_education/resources/standards/](https://www.americanbar.org/groups/legal_education/resources/standards/). These rules only apply to externship courses that a law school designates as satisfying the experiential learning requirement.

<sup>19</sup> *Id.* at Standard 304(d).

<sup>20</sup> *Id.* at Standard 304(d)(i)-(v).

In addition to externship-specific requirements, to qualify as an experiential course, externship courses must “(1) integrate doctrine, theory, skills, and legal ethics” and engage students in performance of professional skills; “(2) develop the concepts underlying the professional skills being taught”; (3) offer “multiple opportunities” for skills performance; “(4) provide opportunities for student performance, self-evaluation, and feedback”; (5) provide “a classroom instructional component, regularly scheduled tutorials, or other means of ongoing, contemporaneous, faculty-guided reflection”; and (6) provide direct supervision “by a faculty member or a site supervisor.”<sup>21</sup>

The ABA Standards prescribe with specificity what an externship program must include and are considerably more detailed than the requirements for clinics or simulation courses that externships are often grouped with.<sup>22</sup> As some have observed, the detailed requirements are based on vague concerns over law students earning academic credit for externships that are thought to be “inadequately supervised” or which are characterized by “law school neglect of the educational content of externship experiences.”<sup>23</sup> As explained in the remainder of this section, there has not been much empirical research or other data to support the ABA’s extensive and particular requirements for externships.

The externship community has been active in attempting to determine what program design and teaching approaches contribute to effective externships. These efforts are captured numerically through the triennial CSALE survey. In 2019-20, the majority of field placement courses (75%) included a classroom instructional component and the “most common assignment for students, irrespective of whether the course has a classroom component, is some type of reflective writings/journals (over 95% of

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<sup>21</sup> *Id.* at Standard 304(a).

<sup>22</sup> See *supra* notes 17-19 and accompanying text. Compare ABA 304(b) and (c) – providing minimal details about simulation courses and clinics – with 304(d) – providing extensive details about externship courses.

<sup>23</sup> See Peter A. Joy, *Evolution of ABA Standards Relating to Externships: Steps in the Right Direction?*, 10 CLIN. L. REV. 681 (2004) (observing that the ABA standards for externships “have contained a level of scrutiny that is more detailed and more exacting than the standards for any other part of the law school curriculum”) (citing Marc Stickgold, *Exploring the Invisible Curriculum: Clinical Field Work in American Law Schools*, 19 N.M. L. REV. 287, 296 (1989) (characterizing the ABA regulation as moving “to either abolish externships or convert them to what are essentially in-house programs that rely on some outside lawyers for additional help.”)); Robert F. Seibel & Linda H. Morton, *Field Placement Programs: Practices, Problems and Possibilities*, 2 CLIN. L. REV. 413, 443 n. 66 (1996) (calling the ABA standards “micro-management” that it “impedes the flexibility and creativity so critical to externship program design”).

courses).<sup>24</sup> Externship literature has commented on the perceived significance of a classroom component,<sup>25</sup> though it should be noted that the ABA Standards do not explicitly require one.<sup>26</sup> Nonetheless, the classroom component, when it is employed, can take many shapes in terms of whether it is placement-specific or general; the topics covered; how often it meets; whether graded, etc.<sup>27</sup> The literature also agrees that journals in which students reflect on their field work experience are an important part of the externship experience, as well as an obvious way to meet the ABA Standard's "guided reflection" requirement.<sup>28</sup>

Other aspects of an externship program that have emerged in the scholarship as part of an effective externship program are proper training of field supervisors by externship faculty,<sup>29</sup> site visits between the faculty member and the supervising attorney or judge,<sup>30</sup> a good mentoring relationship between supervisor and student,<sup>31</sup> a close collaboration between

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<sup>24</sup> CSALE Survey, *supra* note 9, at 46-47.

<sup>25</sup> Maranville, et al., *supra* note 12 (while a classroom experience is not expressly required" by the ABA," the Standards require[] explicit skill instruction in each such course, and creates a further incentive to provide a classroom experience, as that is an effective and most efficient, way to provide instruction on concepts underlying the skills that are part of the practice areas relevant to the placements); see also Kelly S. Terry, *Externships: A Signature Pedagogy for the Apprenticeship of Professional Identity and Purpose*, 59 J. LEGAL EDUC. 240, 253 (2009) ("the seminar class is a crucial aspect of the externship's deep structure and a key venue for the exploration of professional values and identity."). *But see* Erica M. Eisinger, *The Externship Class Requirement: An Idea Whose Time Has Passed*, 10 CLIN. L. REV. 659 (2004) (arguing that a classroom component should not be required).

<sup>26</sup> ABA SECTION ON LEGAL EDUCATION AND ADMISSIONS TO THE BAR, STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2019-2020 (2019), Standard 304, [https://www.americanbar.org/groups/legal\\_education/resources/standards/](https://www.americanbar.org/groups/legal_education/resources/standards/).

<sup>27</sup> CSALE Survey, *supra* note 9, at 35-36 (describing the different number of units, whether they are graded, class size, etc., of the classroom component).

<sup>28</sup> ABA SECTION ON LEGAL EDUCATION AND ADMISSIONS TO THE BAR, STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2019-2020 (2019), Standard 304(a)(1)(5); see also Anahid Gharakhanian, *ABA Standard 305's "Guided Reflections": A Perfect Fit for Guided Fieldwork*, 14 CLIN. L. REV. 61 (2007); Harriet N. Katz, *Personal Journals in Law School Externship Programs: Improving Pedagogy*, 1 T. M. COOLEY J. PRAC. & CLIN. L. 7 (1997); DEBORAH A. MARANVILLE, ET AL., *supra* note 12.

<sup>29</sup> See Barbara A. Blanco & Sande L. Buhai, *Externship Field Supervision: Effective Techniques for Training Supervisors and Students*, 10 CLIN. L. REV. 611 (2004); Liz Ryan Cole, *Training the Mentor: Improving the Ability of Legal Experts to Teach Students and New Lawyers*, 19 N.M. L. REV. 163 (1989); Bernadette T. Feeley, *Training Field Supervisors to Be Efficient and Effective Critics of Student Writing*, 15 CLIN. L. REV. 211 (2009).

<sup>30</sup> See Laurie Barron, *Learning How to Learn: Carnegie's Third Apprenticeship*, 18 CLIN. L. REV. 101, 102 (2011) ("on-site mid-semester meeting with ... [is] a signature component of the externship program that fosters the goal of teaching students to become self-directed learners and reflective practitioners."). Note that under the current ABA Standards, in-person site visits are no longer a requirement of externship programs.

<sup>31</sup> See James H. Backman, *Externships and New Lawyer Mentoring: The Role the Practicing Lawyer is Filling in Educating Lawyers*, 24 BYU J. OF PUB. L. 65 (2009).

the supervisor and student,<sup>32</sup> using “boot camps” at the start of the externship semester,<sup>33</sup> and quality counseling sessions between faculty and student.<sup>34</sup>

The scholarship that has emerged is based on years of teaching experience in externship programs.<sup>35</sup> However, it is not, for the most part, based on empirical data collection and analysis. As aptly noted in the Experiential Education section of *Building on Best Practices*, “[l]egal education urgently needs empirical research on what methods will best promote deep learning that transfers to practice.”<sup>36</sup> In the externship arena, the one study that looked empirically at student learning during an externship was completed twenty-five years ago and only surveyed students, not their supervisors.<sup>37</sup> Other more recent externship scholarship that has taken an empirical approach has surveyed practicing attorneys about their law school experiences<sup>38</sup> and studied end-of-the-semester supervisor evaluations in order to glean data about the type of work students perform.<sup>39</sup> These studies are incredibly valuable in understanding the questions they sought to answer; when they assert that “nonprofit and government settings provided the best platform for dynamic and high responsibility work,” for example, they back

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<sup>32</sup> See Carl J. Circo, *An Educational Partnership Model for Establishing, Structuring, and Implementing a Successful Corporate Counsel Externship*, 17 CLIN. L. REV. 99 (2010).

<sup>33</sup> See Larry Cunningham, *The Use of “Boot Camps” and Orientation Periods in Externships and Clinics: Lessons Learned from a Prosecution Clinic*, 74 MISS. L.J. 983 (2005).

<sup>34</sup> See Harriet N. Katz, *Counseling Externship Students*, 15 CLIN. L. REV. 191, 239 (2009) (arguing that a “collaborative counseling relationship” is a “critical component of a successful externship experience.”); Harriet N. Katz, *Stories and Students: Mentoring Professional Development*, 60 J. OF LEGAL ED. 675 (2011) (discussing using the “story method” to counsel students).

<sup>35</sup> See Katz, *supra* note 9.

<sup>36</sup> Maranville, et al., *supra* note 12.

<sup>37</sup> The authors found one study from 1995 in which externs – but not supervisors -- were surveyed about their experiences. See Daniel Givelber, Brook K. Baker, John McDevitt, Robyn Miliario, *Learning Through Work: An Empirical Study of Legal Internship*, 45 J. OF LEGAL ED. 1, 3 (1995) (employing cross-tabular and regression analysis of more than 500 student surveys, and finding that “the nature and intensity of the work are at least as important as any aspect of supervision in explaining what distinguishes a good learning.”).

<sup>38</sup> Reuter, et al, *supra* note 11 (survey asking more than 2000 practicing attorneys to reflect on their legal education revealed that experiential courses were most valued when they were “intense,” that is, “with substantial time on task in a real legal practice setting,” and when they had “career relevance” to the attorney’s practice area.”); see also GIVELBER ET AL., *supra* note 35 (law student survey finding “nature and intensity” of work assigned at least as important as quality of supervision in leading to student learning).

<sup>39</sup> Jodi S. Balsam and Margaret Reuter, *Externship Assessment Project: An Empirical Study of Supervisor Evaluations of Extern Work Performance*, 25 CLIN. L. REV. 1 (2018) (empirical analysis of field supervisor final evaluations to gain “insights about the extern experience, especially regarding the variety, complexity, and responsibility levels of their work.”).

it up with methodical analysis.<sup>40</sup> Yet nothing to date has answered the questions: are externs successful in their externships in terms of how close they are to practice-readiness as a first-year attorney, as measured by supervisor feedback; and what are the components of a successful externship experience, as measured by both student and supervisor feedback?<sup>41</sup>

## II. DESIGNING THE EMPIRICAL EXTERNSHIP STUDY AND CONDUCTING MULTIVARIATE ANALYSIS

Eager to probe these research questions through a methodical empirical study, the authors set out to identify resources and tools to conduct the Externship Study. This section describes how they used the IAALS Foundations Study to measure externs' success; how they went about gathering the data for the two research questions about externship success and factors contributing to that success; and what methodology they used to analyze the data.

### A. Using IAALS's Foundations to Measure Success and Using Multiple Factors to Assess What Leads to Success

The research questions required a definition of success, as well as potential factors that lead to success. IAALS's Foundations study provided the most recent and extensive empirical study for defining success in the legal world. To identify potential factors that lead to success the authors relied on factors identified by the ABA, discussed in externship scholarship and conferences, and the authors' collective experience.

#### 1. *IAALS Foundations Study – Excellent Vehicle to Measure Externship Success*

Foundations is the culmination of multiple smaller and more limited studies that aim to determine what competencies new attorneys need to

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<sup>40</sup> *Id.*

<sup>41</sup> Of course, the relatively recent ABA Standards 301, 302, and 315, requiring JD and course learning outcomes and assessment, will result in methodical data gathering and analysis for each ABA-accredited school and externship programs, and possibly generate interest in empirical assessment of externships beyond the ABA requirements. ABA SECTION ON LEGAL EDUCATION AND ADMISSIONS TO THE BAR, STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2019-2020 (2019), Standard 301, 302, 315, [https://www.americanbar.org/groups/legal\\_education/resources/standards/](https://www.americanbar.org/groups/legal_education/resources/standards/).

succeed in the legal profession.<sup>42</sup> As noted by the Survey Overview and Methodological Approach Report:

The stated goal of this first step in the multi-year Foundations for Practice research was to ascertain the legal skills, professional competencies, and characteristics—collectively referred to as foundations—that practicing attorneys identified as needed for entry-level lawyers to launch successful careers in the legal profession. While other researchers have conducted studies in a similar spirit, the Foundations for Practice survey is currently the most comprehensive effort undertaken, with respect to both its exhaustive content and its national scope.<sup>43</sup>

Based on prior research and brainstorming sessions, IAALS identified 210 foundations for its survey, which were then reduced to 147.<sup>44</sup> Among other inquiries, the survey asked attorneys to “[i]dentify the foundations entry-level lawyers need to launch successful careers in the legal profession[.]”<sup>45</sup> Importantly, the survey asked attorneys to “respond in the context of their specific type of organization, specialty, or department” rather than “asking for general impressions of what foundations a person embarking upon their first year of law-related work needs[.]”<sup>46</sup> In 2014-15, the survey was sent to over 780,000 attorneys. IAALS received 24,137 valid responses from all fifty states,<sup>47</sup> representing over seventy practice areas.<sup>48</sup> As noted by the report, “the high number of responses yields a more-than-acceptable margin of error at the conventional confidence level. This means that the results can be interpreted with a high degree of confidence that the numbers

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<sup>42</sup> See NEIL HAMILTON, ROADMAP: THE LAW STUDENT’S GUIDE TO PREPARING AND EXECUTING A SUCCESSFUL PLAN FOR EMPLOYMENT (2015); MARJORIE MAGUIRE SHULTZ & SHELDON ZEDECK, FINAL REPORT: IDENTIFICATION, DEVELOPMENT AND VALIDATION OF PREDICTORS FOR SUCCESSFUL LAWYERING (2009), <http://ssrn.com/abstract=1353554>; ABA SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT – AN EDUCATIONAL CONTINUUM (REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP) (1992) [hereinafter the MacCrate Report] (setting forth “The Statement of Fundamental Lawyering Skills and Professional Values”: ten fundamental lawyering skills and four professional values “which new lawyers should seek to acquire”).

<sup>43</sup> IAALS Methodology Report, *supra* note 14 at 1.

<sup>44</sup> *Id.* at 2.

<sup>45</sup> IAALS Hiring Criteria Report, *supra* note 7, at 3.

<sup>46</sup> IAALS Methodology Report, *supra* note 14, at 2-3.

<sup>47</sup> *Id.* at 4-5.

<sup>48</sup> *Id.* at 12-13.

reported are extremely close to what would be observed if there had been responses from the full population.”<sup>49</sup>

The survey asked respondents to rate the necessity of the 147 foundations as follows:

- Necessary immediately for the new lawyer’s success in the short term (where “new lawyer” was defined as “someone embarking on their first year of law-related work”);
- Not necessary in the short term but must be acquired for the lawyer’s continued success over time;
- Not necessary at any point but advantageous to the lawyer’s success; or
- Not relevant to success.<sup>50</sup>

IAALS conceptualized the four options as reflecting two related points – i.e., “necessity of the foundation and the urgency of the foundation.”<sup>51</sup> IAALS considered a foundation to be necessary, advantageous, or not relevant “if at least half of respondents categorized the foundation as such.”<sup>52</sup> Respondents considered 92% of the foundations (135 of the 147) to be necessary,<sup>53</sup> and 52% (77 of the 147) necessary for the new attorney (versus must be acquired over time).<sup>54</sup> The list of the seventy-seven foundations is included in Appendix A.

Accordingly, IAALS has provided a list of foundations that the market deems urgently necessary for “someone embarking on their first year of law-related work.”<sup>55</sup> What better way to assess students’ readiness to embark on their first year of law-related work than through their externship, when they are working in the real world of legal practice, with much of its attendant uncertainties and chaos? And so, the seventy-seven foundations identified by the IAALS report provided the perfect basis for the assessment tool for externs’ success.

However, the authors needed to be mindful about the time they could ask externship supervisors and law students to dedicate to completing the study surveys. In addition, analyzing the externs’ success across seventy-seven foundations would require a very large group of respondents, which the anticipated respondent pool would likely not satisfy. Accordingly, they

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<sup>49</sup> *Id.* at 5.

<sup>50</sup> IAALS Hiring Criteria Report, *supra* note 7, at 6.

<sup>51</sup> IAALS Character Report, *supra* note 13, at 23.

<sup>52</sup> *Id.* at 24.

<sup>53</sup> *Id.*

<sup>54</sup> *Id.* at 25.

<sup>55</sup> *Id.* at 6, 11.



decided to assess externs' success based on twenty-nine of the seventy-seven foundations (highlighted in Appendix A), including most of the top twenty IAALS foundations (noted on Appendix A), plus a handful of others from further down the list that are most applicable to externships. This latter group includes foundations such as "goal setting and planning" or "interviewing clients or witnesses" that are not very high in the list of necessary foundations but important to many externships (goal setting and planning, for example, is important to all four participating schools' externships; interviewing clients or witnesses is relevant to a number of public interest externships). They also took a reductive approach to other necessary foundations that seemed to have somewhat of an overlap such as choosing "emotional regulation and self-control" to also convey the gist of other necessary foundations, namely "handle dissatisfaction appropriately" and "cope with stress in a healthy manner." Finally, they decided not to include foundations that would have little or no relevance to many student externs such as "adhere to proper timekeeping and/or billing practices."

## 2. *Factors Contributing to Externship Success*

To identify potential factors that lead to externship success, the ABA Standards provide an apt starting point. Standard 304(d)'s requirement for "a written understanding among the student, faculty member, and a person in authority at the field placement" reflects the understanding that three parties are involved in facilitating this unique educational experience.<sup>56</sup> Standard 304(d)'s additional provisions as well as Standard 304(a) include multiple other requirements vis a vis the school or faculty's role as well as the fieldwork supervisor's role.<sup>57</sup>

Given the three "parties" involved in externships, the Externship Study included factors corresponding to the three categories: the school's role (e.g., academic hours); factors relating to the students themselves (e.g., level of interest in the externship, previous professional experience, GPA); and the placement and supervisor's role (e.g., nature of training; extent of feedback). And, of course, review of scholarship evidences the externship community's

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<sup>56</sup> ABA SECTION ON LEGAL EDUCATION AND ADMISSIONS TO THE BAR, STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2019-2020 (2019), Standard 304(d), [https://www.americanbar.org/groups/legal\\_education/resources/standards/](https://www.americanbar.org/groups/legal_education/resources/standards/).

<sup>57</sup> *Id.*

extensive focus on some of these factors<sup>58</sup> deemed necessary to attain successful externship experiences for the student.

## B. Study Design

Given that the externship professor authors wanted to examine multiple factors and gather the data directly from externs and supervisors, they needed expert guidance in designing the Externship Study as well as conducting a multivariate analysis. They were fortunate to find two such collaborators. Ms. Chelsea Parlett-Pelleriti, a PhD Candidate at Chapman University Schmid College of Science and Technology who specializes in statistical and machine learning methods for behavioral data, joined the effort to help with the study design and has overseen the collection and analysis of the data. She has authored sections III.C, and IV.C.1 of this paper, as well as Appendices D and E. Additionally, the authors were fortunate to have Dr. Elizabeth Anderson consulting on the study and survey design as well as the data analysis. Dr. Anderson is an educational consultant with extensive research experience – action and empirical research in both education and natural sciences – including research method development, data collection and management techniques, and inferential data analysis. Additionally, she is a consultant with IAALS and intimately familiar with the Foundation study.

In consultation with Dr. Anderson and Ms. Parlett-Pelleriti, the authors decided to explore the research questions through quantitative analysis. They chose this approach to reach more externs and supervisors in order to gather a higher volume of data and have more to work with for purposes of the multivariate analysis they wanted to run to explore each of the research questions.

The next step was to apply to the Institutional Review Board (“IRB”) at Chapman University<sup>59</sup> for approval of the Externship Study.<sup>60</sup> This involved submitting the student and supervisor surveys for IRB approval,<sup>61</sup> as well as the language of the solicitation emails they planned to use for

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<sup>58</sup> See *supra* notes 22, 25-31 and accompanying text.

<sup>59</sup> Though this is a joint research study of Chapman University Fowler School of Law and Southwestern Law School, the latter is not affiliated with a larger university and thus has no IRB of its own.

<sup>60</sup> Any research involving human subjects as defined in 45 CFR 46.102 “must submit their research protocol to the IRB for review and approval prior to beginning the project.” Chapman University Institutional Review Board (IRB), *Human Subject Research*, [www.chapman.edu/research/integrity/irb/index.aspx](http://www.chapman.edu/research/integrity/irb/index.aspx).

<sup>61</sup> See apps. B and C.

both.<sup>62</sup> After some minor modifications, the Externship Study was approved to proceed.<sup>63</sup>

### *1. The Surveys*

This section provides a general description of the surveys. The supervisor survey and the extern survey are in Appendices B and C, respectively. Before finalizing the surveys to submit as part of the IRB application and administer to externs and supervisors, the surveys were piloted with a handful of students and clinical faculty at Chapman University Fowler School of Law (“Chapman”) and Southwestern Law School (“Southwestern”). The authors solicited their feedback and made some revisions based on their input.<sup>64</sup>

#### *a. Research Question 1*

To explore the first research question – are externs successful in their externships and to what extent – the authors wanted to hear from the externship supervisors who are responsible for training, supervising, and providing feedback on a range of legal work, and who are already used to assessing the extern’s performance as part of the externship course.<sup>65</sup> This is because the definition of success for purposes of the Externship Study is how close the externs are to first-year practice-readiness based on their fieldwork performance.

To do this, they first asked the supervisors: do you believe, yes or no, that the student has been successful in the externship? They then asked supervisors to rate their externs’ performance at the end of the externship in each of twenty-nine foundations necessary for first-year attorneys, using the following scale.<sup>66</sup>

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<sup>62</sup> On file with the authors.

<sup>63</sup> Approval documentation on file with the authors.

<sup>64</sup> In all, six clinical faculty and four former externs provided feedback on the solicitation email and underlying survey to determine understandability, time it took to complete, and whether there were any changes that they would suggest.

<sup>65</sup> See S. Cal. Externships, FIELD PLACEMENT SUPERVISION MANUAL, <https://www.swlaw.edu/sites/default/files/2020-01/SoCalEx%20Manual%202020.pdf>.

<sup>66</sup> Survey scale descriptions were included for the Beginning (1), Developing (3), and Exemplary (5) categories, while categories 2 and 4 were left blank. These descriptions were excluded in order to provide research participants flexibility in their selection. In other words, if a research participant

Figure A

|  |     |  |     |  |  |
|--|-----|--|-----|--|--|
| 1 –<br>Beginning:<br>Rarely<br>demonstrated<br>the<br>skill/attribute<br>at the level<br>expected from<br>a legal extern<br>in this<br>placement | 2 - | 3 –<br>Developing:<br>Usually<br>demonstrated the<br>skill/attribute at<br>the level<br>expected from a<br>legal extern in<br>this placement | 4 - | 5 -<br>Exemplary:<br>Consistently<br>demonstrated<br>the<br>skill/attribute<br>at the level<br>expected<br>from a legal<br>extern in this<br>placement |  |
|--|-----|--|-----|--|--|

Recognizing that not all foundations (specifically, in the category of legal skills) may apply to a particular externship (e.g., requesting and producing discovery would only apply to certain litigation-setting externships), the “Not Applicable” option was provided. Although it is possible that a supervisor may mark N/A for a foundation – specifically, a legal skill – because they didn’t think the student could handle a particular type of assignment, and thus the supervisor couldn’t rate the student’s performance for that foundation, given the professional competencies and character attributes included on the list, the authors assume that the ratings for other foundations would present a generally accurate picture of their “externship success.”

The authors also wanted to hear from the externs about how successful they thought they were. They asked the students the yes or no question, “do you believe you have been successful in your externship?” They then asked them to rate themselves on the same twenty-nine foundations, using the same scale. Matching up and comparing the ratings from the supervisor and extern pair would give interesting and hopefully helpful information.

*b. Research Question 2*

To explore the second research question – what factors lead to externship success – the authors asked both the supervisor and the extern a series of questions, most questions being directed at the student.

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did not think any of the described categories were a true response for them, they had in-between options. *See* app. B.

They asked the supervisor about the nature of the supervision and the placement, answering on behalf of themselves and colleagues who supervised the extern. The questions asked about extern orientation, training and instructions on assignments, detailed feedback, general accessibility for guidance, discussing the externs' goals and planning assignments accordingly, and opportunities for professional development.

The authors asked the externs the same questions about their impression of the nature of the supervision and the placement to match up and compare the responses with the supervisors'. They also asked the externs a series of questions relating to other factors that could impact externship success. They asked a variety of questions relating to the relationship with the law school's externship program staff as well as externship professor. They also asked a series of questions about the student's academic and demographic attributes and level of interest/commitment to the externship, such as the number of hours spent at the placement, whether they had previously worked or completed externships or clinics, and their GPA. Additionally, they asked the externs about their externship placement type, year in school, type of JD program (2-year, 3-year, or 4-year), and whether they were paid (Chapman and Southwestern allow paid externships). Finally, they invited students to provide narrative responses about their perception of what contributed to their success (or lack thereof).<sup>67</sup>

Based on the students' narrative responses and the data summary of their other responses, the authors identified seven factors or inputs for the statistical analysis, while making sure that the seven captured all three categories contributing to externship success - i.e., the student, the class, and the placement. Since the sample size of matched student-supervisor pairs was relatively small, they limited the number of factors in the model.

The inputs identified were the following: (1) effective training and clear instructions from the field supervisor(s) before most assignments; (2) detailed feedback from the supervisor on most assignments; (3) externship in a practice area that the student is "very interested in"; (4) the number of academic hours associated with the externship (i.e., companion class and related preparation, reading, and journaling);<sup>68</sup> (5) how many units the student took the externship for; and (6) whether the student previously worked in a professional setting. A seventh one was added – self-reported

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<sup>67</sup> Not all of this information would be used as inputs for the Externship Study, but the authors thought the information might be useful for future research.

<sup>68</sup> This data was obtained from each school's Externship Director.

cumulative GPA – in order to test the observation over the years that typically students' performance in an externship outshines their law school GPA.

2. *Survey Administration through Chapman, Southwestern, UCI, and UCLA*

Given the breadth of the Externship Study's inquiry and to dig deep enough, the Externship Study set out to gather information about four Southern California law schools (Chapman, Southwestern, UCLA and UCI) whose externship programs and courses are run differently, as well as survey the externship supervisors and students over three terms. Running the Externship Study in Southern California – with two schools in Los Angeles County and two schools in Orange County – provides some uniformity among the externship supervisors' expectations of externs and first-year attorneys (given that some of the supervisors host students from the various schools as well as the shared legal market needs/expectations that likely develop in a given region). All four schools are members of SoCalEx, the Southern California consortium of law school externship programs.<sup>69</sup>

Each of the four externship programs is designed differently, making them ideal sources of study for the Externship Study. The following summarizes the respective programs for the duration of the Externship Study: UCI students spend approximately ten hours in a companion class over the semester or summer,<sup>70</sup> for which they are expected to prepare for about 3.5 hours total. Students meet with their faculty supervisor for about thirty minutes at the mid-term. UCLA students also spend approximately ten hours in a companion class, for which they are expected to prepare for fifteen to twenty hours total. UCLA externships are offered during the school year only. Southwestern students spend approximately six to eight hours in a companion class over the semester,<sup>71</sup> for which they are expected to prepare three to five hours total. They meet individually with their externship professor for twenty minutes each term. Chapman students do not have a companion class and do not require meetings other than a 1.25 hour-long orientation at the start of the term. Students are expected to prepare for two hours total. All four schools award one unit of credit for between fifty to sixty hours of fieldwork, and all require four to seven reflective essays or memos during the course of the externship.

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<sup>69</sup> S. Cal. Externships, FIELD PLACEMENT SUPERVISION MANUAL, *supra* note 58.

<sup>70</sup> During the semester the class is generally held in-person, whereas over the summer class is held online via Zoom.

<sup>71</sup> Six hours in summer; eight hours during the school year. One additional hour is an orientation for first-time externs.

UCLA, UCI, Southwestern, and Chapman students and their supervisors were surveyed over the course of three externship sessions: Spring, Summer,<sup>72</sup> and Fall 2019. Toward the end of each term, the Externship Directors sent the solicitation email with the online survey link.<sup>73</sup> This amounted to 908 surveys sent to students (245 to Chapman, 334 to Southwestern, 202 to UCI, and 127 to UCLA), and 908 sent to their corresponding supervisors. Once all the responses were in, the following responses rates were determined: 234 student responses, for a response rate of 26%. Of the 234 responding externs, sixty two were from Chapman externs (27%), 125 from Southwestern externs (53%), and forty seven from UCLA externs (20%). Only two UCI externs and zero supervisors responded,<sup>74</sup> and thus, UCI was removed from the Externship Study. There were 172 supervisor responses, for a response rate of 19%.<sup>75</sup>

Of the 234 responding externs and 172 responding supervisors, there ended up being seventy “matches,” a set of paired sets of responses from a supervisor and their student.

### C. Methods

In order to answer the research questions, two statistical models were used to describe and assess patterns in the data.<sup>76</sup> The first model was an Item Response Theory (“IRT”) model that examines the ratings from students and supervisors (separately) on the twenty-nine foundations items.<sup>77</sup> This IRT model allows assessment of how each item is contributing to the overall “success” of externs. It also creates a factor score that represents the model’s estimate of each extern’s overall ability as a first-year lawyer. Since

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<sup>72</sup> UCLA students and supervisors were not surveyed in the summer because UCLA does not have a summer externship program.

<sup>73</sup> Student Solicitation and Supervisor Solicitation email texts on file with the authors; *see infra* Supervisor and Student Surveys at Appendices B and C, respectively.

<sup>74</sup> Although supervisors were not asked which schools their students attended (except for fall 2019), the authors were able to ascertain that no UCI student’s supervisors responded by consulting with the UCI Externship Director, who checked the names of unmatched students against her enrollment.

<sup>75</sup> There is no breakdown by school for the supervisors’ responses because the authors did not ask supervisors which schools the externs they were evaluating attended (except for fall 2019).

<sup>76</sup> For those interested, *see infra* Sections II.C.1-3 as well as Appendices D and E for further details for each model.

<sup>77</sup> Throughout this paper, in addition to the IRT model, which weights items differently based on their data-based importance in measuring overall ability, the authors also looked at the raw average of the twenty-nine foundations, in which each item counts equally toward the externs’ overall performance.

these models are built on a large sample of data rather than the entire possible population (all externs), the effects described are likely to be close to the values reported although may not be exact (hence, “estimates”). This factor score combines the information from all foundations and weights them according to how well they indicate extern success. This model was also used to see which foundations are successful in discriminating between externs with different overall abilities, potentially helping to design a more efficient survey in the future.

Second, a Bayesian regression model was run to see which factors (GPA, prior professional work experience, etc.) were associated with high factor scores from the IRT model described above; this is called the Ability Score model. The output from this model made it possible to estimate the effect of each input factor and assess whether those effects are impactful in the context of externships. For each model, metrics like the credible interval or standard deviation are provided in order to quantify potential deviations from the estimates.

A more detailed explanation of each of these methods is provided below. See Appendix D for the full results from the Item Response Theory Model. See Appendix E for a sensitivity analysis associated with the Ability Score model.

### 1. *Item Response Theory Model*

To analyze the student and supervisor ratings from the twenty-nine foundations questions, two one-dimensional generalized partial credit models were run using the *mirt* package in R.<sup>78</sup> The student and supervisor models were run separately.

*Supervisor Model.* The supervisor model had moderate loadings (i.e., weight) for all the foundations (all loadings > 0.512), and this factor accounted for 76.1% of the variance in the data. After examining the Item Characteristic Curves, overlapping responses were combined. The resulting model had strong loadings for all foundations (all loadings > 0.706), and this factor accounted for 79% of the variance in the data. Many of the items had trouble discriminating between subjects with average to moderate ability scores. This inability of the model to discriminate between higher ability scores may be a result of a ceiling effect. If students and supervisors view a four or five on the rating scale to be indicative of good performance, then the

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<sup>78</sup> R. Philip Chalmers, *mirt: A Multidimensional Item Response Theory Package for the R Environment*, 48 J. STAT. SOFTWARE, May 2012, at 1, <https://www.jstatsoft.org/article/view/v048i06>.



scale is not able to capture the difference between good and great performance because the raters are already choosing the highest rating.

*Student Model.* The student model had low to moderate loadings for the twenty-nine foundations and the factor accounted for 37.3% of the variance in the data. Four foundations (Arrive on time, Request and produce written discovery, Draft contracts, and Interview clients and witnesses) had loadings  $< 0.3$ , so they were removed, and a new model was run. The ability score, therefore, was based on the remaining twenty-five foundations. This model also had low to moderate loadings for those foundations (all loadings  $> 0.416$ ) and the factor accounted for 40.8% of the variance in the data. After examining the Item Characteristic Curves, overlapping responses were combined. The resulting model had low to moderate loadings for all twenty-five foundations (all loadings  $> 0.402$ ), and this factor accounted for 43.8% of the variance in the data. Similar to the supervisor model, in the student model, many of the items had trouble discriminating between subjects with average to moderate ability scores. This inability of the model to discriminate between higher ability scores may, again, be a result of a ceiling effect.

## 2. Ability Score Model

The factor scores for each student from each model were recorded and were used as the outcome for a Bayesian linear regression model using the *brms* package in R.<sup>79</sup> The predictors in this model included various survey and school variables (GPA, previous work experience, academic hours, externship units, rating of interest in externship area, rating of training and instruction at externship, and rating of detailed feedback at externship). In addition to the model summary, posteriors with 89% and 95% highest density intervals (HDI) were plotted, and a ROPE (region of practical equivalence) procedure was run to test the equivalence of coefficients to 0. Highest Density Intervals (which are a type of Credible Interval, CI) represent the range that has an X% chance (where x is the percent in the Credible Interval) that the parameter value, like a regression coefficient, will be inside the range. Typically, 89% and 95% CIs are reported.

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<sup>79</sup> P. C. Bürkner, *brms: An R Package for Bayesian Multilevel Models Using Stan*, 80 J. STAT. SOFTWARE, August 2017, at 1, <https://www.jstatsoft.org/article/view/v080i01>.

### III. WHAT THE EXTERNSHIP STUDY YIELDED

The following description of what the Externship Study revealed is broken into several subparts: A) the general demographics of the student externs, B) the externs' overall success as revealed by their foundations ratings, indicating a high level of success, and C) the statistical inferences and a statistical and narrative summary, the combination of which revealed that the externs' relationship with their supervisors matters most in externship success as does the externs' professional experience and motivation.

Some of the analysis is based on matched surveys (i.e., a survey response was received from both the extern and their supervisor), and some of the analysis is based on the universe of all supervisor responses or student responses. The relevant response group is noted for each section below.

#### A. Demographics

Before addressing the Externship Study results, a summary of student respondents' demographics will provide some context. The Externship Study did not collect demographic information about the supervisors.

The breakdown of the survey responses among the three schools is as follows: of the 234 externs who responded, there were 62 Chapman externs (27%), 125 Southwestern externs (53%), and 47 UCLA externs (20%).<sup>80</sup> When considered in the context of total externs surveyed from each school, the response rate is as follows: 25% from Chapman, 38% from Southwestern, and 37% from UCLA.

The seventy matched survey responses breakdown as follows: 18 from Chapman (26%); 35 from Southwestern (50%); and 17 from UCLA (24%). When considered in the context of the total 908 externs and their supervisors surveyed, the matched response rate is as follows: 7% from Chapman, 10% from Southwestern, and 13% from UCLA. And when considered in the context of the responses from each school, the matched response rate is as follows: 29% from Chapman, 28% from Southwestern, and 36% from UCLA.

Of the 234 students who responded, 61% were female and 38% male, with 1% declining to self-identify. Their mean age was 27.77.

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<sup>80</sup> There is no similar breakdown for the supervisors' responses because the Externship Study did not ask supervisors which schools the externs they were evaluating attended, except in the fall 2019 survey.

Three-year law school programs made up the vast majority of the respondents, with only 16% in a two-year program, and 12% in a four-year program. 3Ls made up 47% of the respondents, 44% were 2Ls, and 9% were 4Ls.<sup>81</sup>

Thirty-nine percent of the externs responding had externed prior to the term in which they were responding to the survey, including 6% at a similar placement and another 8% at the same placement. Seventy percent reported previous legal experience (whether or not in the form of an externship) and 94% had previous non-legal but otherwise professional experience.

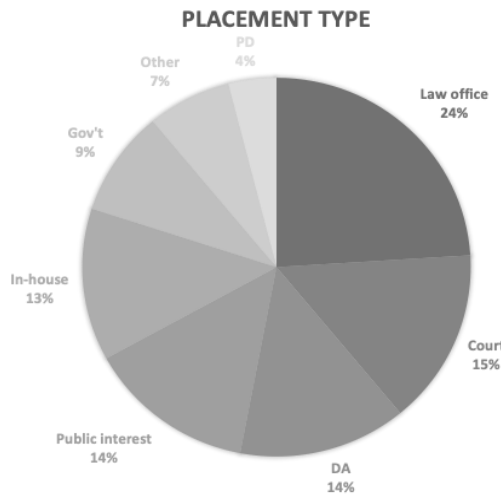
Externs took their externships for anywhere from an average of three units (Chapman), four units (Southwestern), to 5.9 units (UCLA). During the school year, they worked between 15.6 hours (Chapman) and twenty-four hours (Southwestern) per week, with more hours dedicated to the externship during summer placements, between 25.5 hours (Chapman) and 32.7 hours (Southwestern). Also, during the school year, they were enrolled in other classes, with Chapman students having the highest number of other class units at 11.3, and UCLA the lowest at 7.3.

Of the 234 externs who responded, 24% worked for a private law office, 15% for a state, federal or administrative court, 15% for a District Attorney, 14% for public interest/non-profit, 13% for an in-house counsel office, 9% for other government agency, 7% for “other,” and 4% for a public defender.

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<sup>81</sup> In addition to the traditional three-year program, Chapman and Southwestern have four-year programs. Also, Southwestern has a two-year JD program.

Figure B



Twenty-six percent were paid, either by the placement or via a grant.

#### B. Externs Are Successful!

For this analysis, each of the twenty-nine foundations and the three categories they were drawn from (character attributes, professional competencies, and legal skills) were weighed the same, the authors having no basis to consider any of the foundations or categories more pertinent than others to the variety of externships that students participate in. Though it is known from the Foundations study that character and professional competencies are more important than legal skills in the first year of practice,<sup>82</sup> the Externship Study did not weigh the foundations in these two categories more than the legal skills foundations, given that many externship courses and placements focus equally on all areas if not more on legal skills.

The Externship Study sought to determine not only the average score for the twenty-nine foundations based on the one to five scale, but also the mean score for each of the three categories to see if there were any significant differences in the externs' performance in one category versus the other categories.

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<sup>82</sup> IAALS Character Report *supra* note 13, at 5.

### 1. *Supervisors' Responses*

An overwhelming majority of supervisors' survey responses reported that their students' externships were successful and the students, based on the Foundations study, are close to practice-readiness as a first-year attorney.

In response to the specific question, "do you believe that the student has been successful in the externship?" 98% percent of the 172 supervisors responding to the survey answered "Yes."<sup>83</sup> The supervisors' rating of their students' performance in the twenty-nine foundations was also overwhelmingly positive, as cumulatively, the mean score was 4.66 out of 5.<sup>84</sup>

According to the supervisors' responses in the matched survey responses, the mean score for the twenty-nine foundations was also high, 4.62 out of 5. For each school, the foundations' means ranged between 4.54 and 4.65. Furthermore, for each school, the mean ratings and the range for each category of foundations were as follows: Legal Skills ranged from 4.38 to 4.55, with a mean of 4.49; Character Attributes ranged from 4.58 to 4.69, with a mean of 4.66; and Professional Competencies ranged from 4.61 to 4.7, with a mean of 4.68.

The high level of the externs' performance was an important finding of the Externship Study. But another very important finding was the high level of success across the board for students from all three schools. Specifically, though the students hailed from different schools – Chapman, Southwestern, and UCLA – with widely different incoming credentials<sup>85</sup>, there was no practical difference in their mean foundations scores. In other words, regardless of incoming credentials, the students in the Externship Study were judged to be performing at the same level, and that level was a success.

Also notable is that while the three schools' average academic hours (hours of the class component and related work) span a big range – with

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<sup>83</sup> This analysis is based on the responses that were received. It is possible that some did not respond to our survey because their externs' performance was poor.

<sup>84</sup> Survey respondents who did not rate any of the twenty-nine foundations were removed.

<sup>85</sup> For the incoming class of 2019, Chapman's median LSAT score is 158 and median undergraduate GPA is 3.49. *2019 Student Profile*, CHAPMAN U. FOWLER SCH. L., <https://www.chapman.edu/law/admission/student-profile.aspx> (last visited May 14, 2020). Southwestern's median LSAT score is 153 and median undergraduate GPA is 3.3. *2019 Entering Class Information*, Sw. L. Sch., <https://www.swlaw.edu/admissions-financial-aid/admissions-jd/prospects-admission> (last visited May 14, 2020). UCLA's median LSAT score is 168 and median undergraduate GPA is 3.79. *Fall 2019 Incoming Class Profile*, UCLA L., <https://law.ucla.edu/admissions/class-profile/> (last visited May 14, 2020).

Chapman at total 3.25 hours for each term; Southwestern at thirteen hours in fall and spring and nine hours in the summer; and UCLA at average 27.5 hours<sup>86</sup>—the supervisors' ratings for students' performance in the real world of practice are high across the board.

## 2. *Students' Responses*

One hundred percent of the 234 students responded with a “Yes” when asked “do you believe you have been successful in your externship?” With regard to the foundations, the students' responses, similar to the supervisors, was overwhelmingly positive, as cumulatively, students gave themselves a mean score of 4.50 on the foundations, lower than the supervisors judged them to have performed.

## 3. *Notables About Externs' Success*

The supervisors' feedback that externs are performing well at their externships is not surprising. With the thousands of students over the years in the externship professor authors' respective programs, the experience has been to see students typically rise to the occasion and garner high marks from their supervisors in the end-of-semester evaluations (in categories that more-or-less track the twenty-nine foundations included on the surveys). These high marks typically far surpass the students' law school GPAs.<sup>87</sup> The authors have hypothesized that this might be due to students' strong sense of autonomy about an externship they've picked, as well as learning and performing in a very real and here-and-now context, with adult learning theory supporting this hypothesis.<sup>88</sup> This hypothesis is also supported by what students reported in their survey responses about what was most helpful to their externship success, as well as what they highlighted in their narrative responses to flesh out what helped their success (see section C.2 and 3 below).

The breakdown of the foundations mean scores among the three categories is informative and consistent with what the Foundations study

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<sup>86</sup> See Section III.B.2; these numbers were reported by the schools and represent the expected number of hours a student would spend in and out of the classroom.

<sup>87</sup> See Balsam and Reuter, *supra* note 37 (finding that supervisor evaluations outpaced student GPA by .21, i.e., supervisors gave “a mean skills rating of 3.51, higher than the study population mean GPA of 3.30.”).

<sup>88</sup> See generally MALCOLM S. KNOWLES ET AL., *THE ADULT LEARNER: THE DEFINITIVE CLASSIC IN ADULT EDUCATION AND HUMAN RESOURCE DEVELOPMENT* (Butterworth-Heinemann, Routledge, 8th ed. 2015) (1973).

itself revealed. The below table shows the mean foundations rating in each of the three general categories given by supervisors and self-ratings by their students. These figures reflect ratings of the seventy “matched” supervisors and students.

Figure C

| Category of Foundations   | Mean according to matched supervisors | Mean according to matched students |
|---------------------------|---------------------------------------|------------------------------------|
| Character Attributes      | 4.66                                  | 4.72                               |
| Legal Skills              | 4.49                                  | 4.28                               |
| Professional Competencies | 4.68                                  | 4.66                               |

Per the above table, supervisors rated students much higher on Legal Skills than the students rated themselves, indicating that students’ perceptions of their Legal Skills are quite different from their supervisors’ perceptions. The last part of this section provides some context for why that might be.

When looking at the total universe of responses (172 supervisors and 234 students), the ratings are similar to the supervisor and student ratings in the matched survey responses.<sup>89</sup>

Figure D

| Category of Foundations   | Mean according to all supervisors | Mean according to all students |
|---------------------------|-----------------------------------|--------------------------------|
| Character Attributes      | 4.70                              | 4.68                           |
| Legal Skills              | 4.50                              | 4.15                           |
| Professional Competencies | 4.73                              | 4.62                           |

<sup>89</sup> The one difference is regarding Character Attributes: whereas the students in the matched responses group rated themselves slightly higher than their supervisors did, the students in the unmatched, full-study group rated themselves slightly lower than their supervisors did. The authors suggest that the difference between the two groups (.06 higher for the former and .02 lower for the later) is not meaningful.

The foundations ratings for each of the three categories of both the matched and the universe of responses interestingly echoed what the Foundations study itself found. The Foundations study showed that character attributes and professional competencies are far more important in the first year of practice than legal skills. Specifically, of the top twenty foundations that are necessary in the first year of practice, only one was a legal skill: researching the law.<sup>90</sup> The survey responses from the supervisors seem to be consistent with the Foundations results. The survey responses could be interpreted to mean that the students are further along in their professional competencies and character attributes expected of a first-year attorney than they are in their legal skills, which are still in development. In any event, legal skills don't figure as prominently among the foundations that supervisors perceive as necessary for first-year attorneys (and hence how they rated their externs). As mentioned, students rated their own legal skills much lower than how supervisors rated them. This could be because students recognize their shortcomings vis a vis legal skills but also because they don't know that as a first-year attorney, their legal skills are less important than their general professional competencies and character attributes.

It's also notable that supervisors and students rated the character attributes as well as professional competencies – which figure prominently in the Foundations study for what is necessary for first-year attorneys – similarly. Interestingly, the surveys revealed that the factor contributing most significantly to externship success is the relationship with the supervisor (see Section IV.C.1-3 below). A hypothesis that emerges, and a topic for further exploration, is whether externships are a particularly ideal environment for development, performance, and assessment of character attributes and professional competencies. This effort could be facilitated through the following: close relationship of students and supervisors, formal and informal conversations that might be happening about the importance of character attributes and professional competencies, as well as modeling by supervisors that students are observing and learning from in the real world of legal practice and with real cases/clients on the line. Given that essentially all else flows from general character and professional attributes, it could be that these are the areas of most explicit or implicit focus between supervisors and students, and hence the supervisor and student ratings are on the same page more than the legal skills category of foundations.

Finally, it is notable that almost across the board, students rated themselves less favorably than supervisors when it comes to the category of

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<sup>90</sup> IAALS Character Report, *supra* note 13, at 31; *see app. A.*



Legal Skills. This is typical of students in an educational environment, who tend to rate themselves less favorably than their field supervisors do.<sup>91</sup> Without delving into the possible reasons behind this, the less favorable ratings suggest that externs are taking their externships and responsibilities seriously and imposing rigorous standards on themselves.

### C. Relationship with Supervisor and Student's Own Role Matter Most in Externship Success

The Externship Study analyzed the multiple inputs from the student surveys to see what, if anything, emerges as a notable factor(s) to externship success – i.e., a high foundations average score. Three approaches were employed to probe into this inquiry: (1) inferential statistical analysis (i.e., to identify statistically notable factor(s)); (2) statistical summary; and (3) narrative response summary. The most prominent finding emerging from these three probes is that the externship supervisor plays a critical role in the extern's success; also very important is the extern's own motivation.

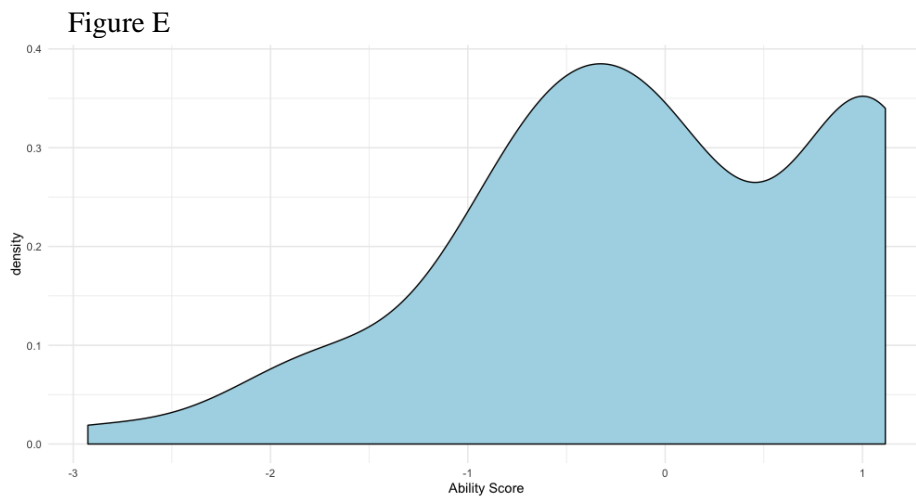
#### 1. *Statistical Inference*

Using a Bayesian mixed effects model on the seventy matched surveys, the multiple inputs were analyzed to determine which variables contribute to the students' externship success. This analysis utilizes the weighted average foundation scores generated by the IRT model described previously. Figure E illustrates the distribution of ability scores from the sample, which range from about -3 to around 1.2. A score of zero represents average ability (which based on the raw average scores is at the high end of the rating scale); a score above zero represents higher than average ability; and a score below zero represents lower than average ability. Higher scores represent students with higher estimated ability based on the twenty-nine foundations. The weighted ability score was used instead of the raw average foundation rating in this analysis because it offers a more nuanced look at student ability. Weighting the supervisors' ratings on each foundation differently allows taking advantage of the fact that some items may be better than others at

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<sup>91</sup> See, e.g., Marks, M. B., et al., *Investigating Undergraduate Business Internships: Do Supervisor and Self-evaluations Differ?*, JOURNAL OF EDUCATION FOR BUSINESS, 93:2, 33-45S (2018) (undergraduate business students rated themselves lower than their supervisors in off-campus internships).

distinguishing between students at different ability levels. In the graph below, the height of the distribution (how tall it is on the y axis) represents the relative number of students at that ability level (ability level is represented on the x axis). The taller the graph, the more students tend to be at that ability level in the sample. Conversely, the shorter the graph, the fewer students tend to be at that ability level in the sample. As can be seen, the bulk of the students have ability scores between -1 and 1.2, and a few students have lower ability scores between -1 and -3.



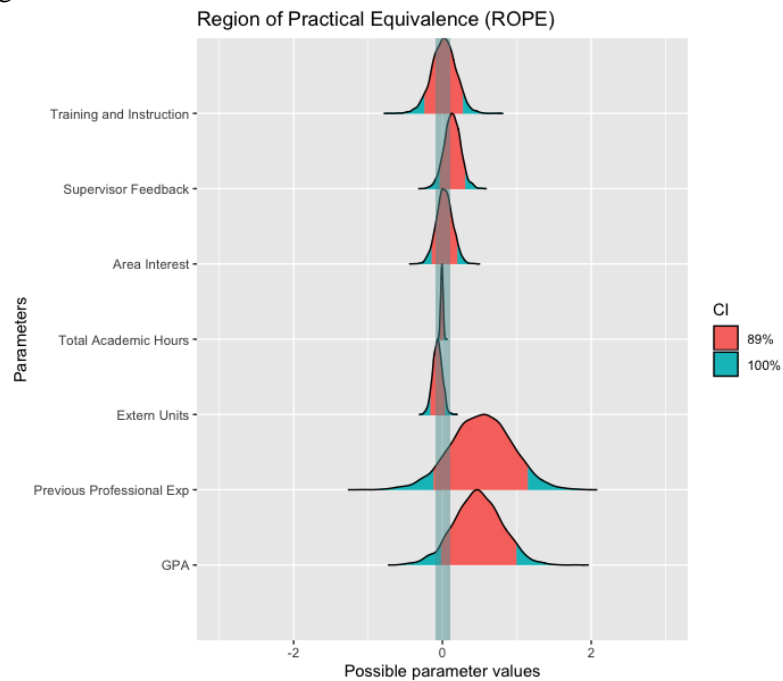
The Externship Study selected the following inputs to test against whether the student received high scores from their supervisor on the foundations:

- 1) I received effective training and clear instructions from my field supervisor(s) before most assignments.
- 2) My supervisor(s) provided detailed feedback on most of my assignments.
- 3) My externship is in a practice area that I'm very interested in.
- 4) How many academic hours (class plus preparing/reading/journaling) are spent during the course of the term.
- 5) How many units the student took the externship for.
- 6) Whether the student previously worked in a professional setting.

7) Self-reported cumulative GPA.<sup>92</sup>

The following figure illustrates the impact of the inputs based on the Bayesian mixed effects model, followed by an explanation of what this figure shows – namely the impact of supervisor feedback, prior professional experience, and GPA.

Figure F



First, as might have been expected, feedback from supervisors had a notable effect ( $b = 0.13$ , 95% CI (“Credible Interval”) =  $[-0.31, 0.33]$ ) indicating that as a student’s perception of receiving quality feedback increased, their foundations ability score increased. The value of  $b$ , the regression coefficient, indicates that on average, when supervisors’ feedback score is higher by one point, students’ ability scores are expected to go up 0.13 (see Figure E and accompanying explanation for distribution of student ability scores). This confirms what many teaching externships have known:

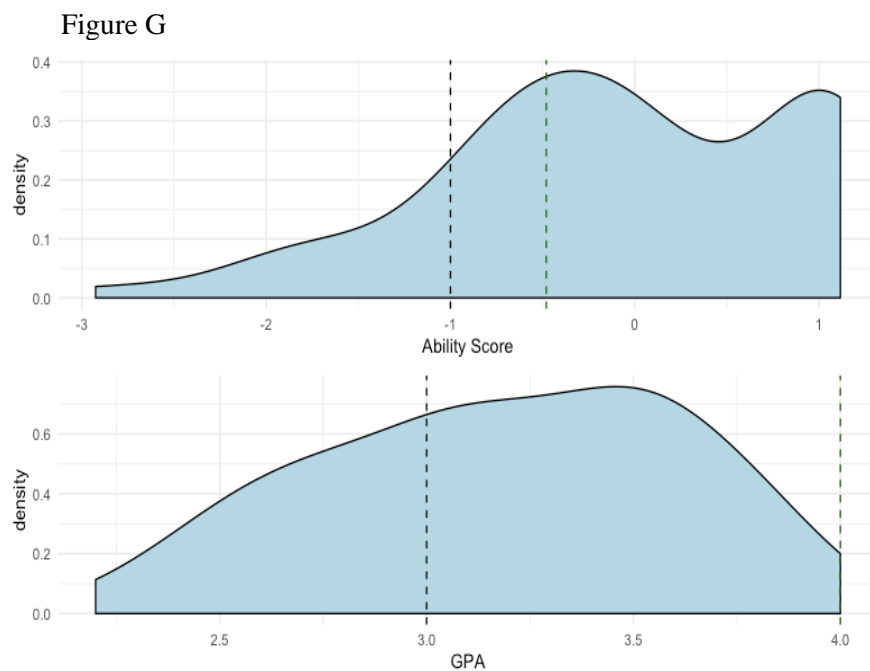
<sup>92</sup> See *supra* section II.B.1.b.

a hands-on supervisor, who provides feedback on externs' work – in effect embracing the teacher role that's the ideal for effective externships – results in the extern performing better and closer to a first-year attorney level. Importantly, this finding was reinforced by the survey responses in two other ways – descriptive summary of student feedback as well as student narrative responses, as discussed in Sections 3.B and C, below.

Second, previous professional experience also had a notable effect ( $b = 0.52$ , 95% Credible Interval =  $[-0.29, 1.30]$ ). This was a yes/no question that could include legal as well as other professional experience. The value of  $b$ , the regression coefficient, indicates that on average, students with professional experience are expected to have an ability score that is 0.52 higher than students without. Most of the posterior distribution for this effect was greater than zero, and supports a small to moderate effect of previous professional experience on students' ability scores. Students with previous professional experience tend to have higher ability scores on average. Interestingly, in response to the inquiry about the top three factors that led to their success, not many students identified this factor. Prior legal and professional work came in fifth and sixth among the factors listed, respectively. Also, only 12.2% of students cited previous professional experience as an important contributor in their narrative responses, as discussed in Section 3.B and C, below. This could be because students are focusing more on factors that are immediate to their externship versus accumulation of experience and maturity from prior professional experiences. Also, importantly, 94% of externs responded that they had previous professional experience. Accordingly, the fact that there is a small percentage of respondents without any professional experience limits the conclusions can be drawn about the significance of previous professional experience on externship success. In addition, although the finding about the importance of prior professional experience is valuable, the above noted finding regarding the importance of feedback is of much more significance to externship programs; externship professors cannot have control over students' prior professional experience. However, they can require and help facilitate more feedback.

Third, the effect of GPA on the student's ability score was present, but it was small ( $b = 0.48$ , 95% Credible Interval =  $[-0.18, 1.10]$ ) given the particular context. The value of  $b$ , the regression coefficient, indicates that on average, when a student scores 1 grade point higher (e.g., a 3.0 to a 4.0 or a 2.8 to a 3.8), it is expected that their ability score will be 0.48 higher. All the coefficients in this model should be interpreted within the context of the unit of change - i.e., one GPA point; having professional experience or not; and increasing feedback ratings by one point. Among these three, a jump of

one whole point in GPA is quite large (imagine the difference between the performance/grades of a student who has a 3.0 versus a 4.0 average) when correlated with just a 0.48 increase in ability score. This indicates that while there is a positive relationship between GPA and ability score, the effect is negligible, given that a one point law school GPA increase is very significant, whereas a .48 increase in ability score is comparatively small (see graph below: the minimum student ability score observed in the data set was around -3. The maximum student ability score observed was 1.12).



The effect of Training and Instruction was inconclusive. While the estimate of the effect was near 0 ( $b = 0.02$ , 95% Credible Interval =  $[-0.31, 0.33]$ ), the range of the posterior distribution and the 95% credible interval covers large negative to large positive effects. This indicates that there is a lot of uncertainty about what the true effect is, and therefore the Article does not make a conclusion about it here.

Notably, this analysis showed that the academic hours (class hours and preparing/reading/journaling) had no impact on externship success. The estimated effect ( $b = -0.01$ , 95% Credible Interval  $[-0.04, 0.02]$ ) is very close to 0, and the 95% credible interval covers only tiny effects in both the positive

and negative directions. This indicates that a 1 hour increase in academic hours would result in a -0.01 decrease in ability score, which is negligible.

Finally, the other factors it was suspected might have an impact on externship success – whether the externship was in a practice area of interest to the extern, and how many units the student took the externship for – had no notable effect on the extern’s ability score under the statistical inference analysis. See Figure F, above.

## 2. *Statistical Summary*

In addition to the statistical inference analysis based on matched surveys, the Externship Study was able to gather data from 234 students about what they perceived to most contribute to their externship success. Students were asked to choose three components that most helped their externship success, choosing from the following list (with factors relating to the three input categories - the student, the school/class, and the placement/supervisor):

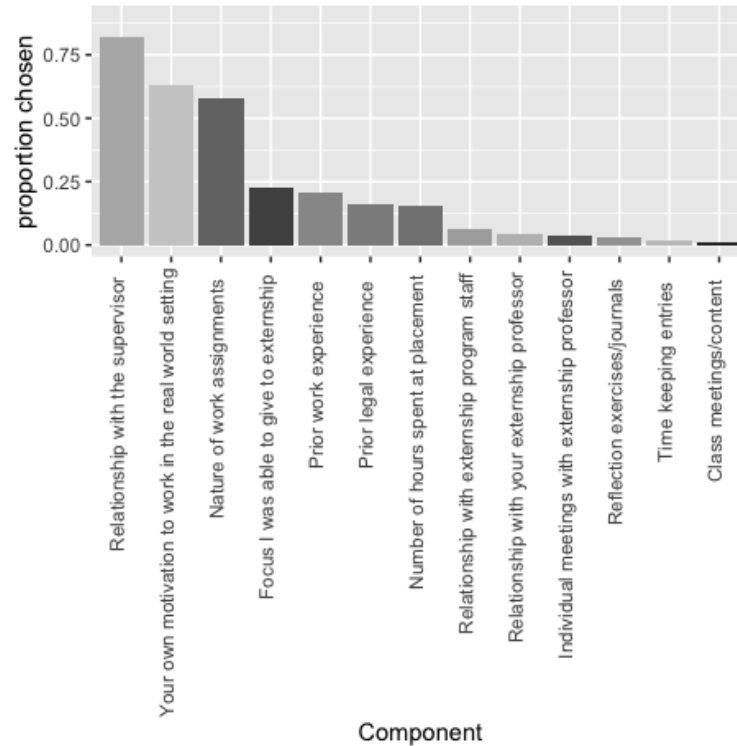
- Relationship with the supervisor (e.g., training and feedback you’ve received)
- Nature of work assignments
- Your own motivation to work in the real world setting
- Relationship with your externship professor
- Relationship with externship program staff
- Class meetings/content
- Individual meetings with externship professor
- Reflection exercises/journals
- Time keeping entries
- Prior work experience
- Prior legal experience
- Number of hours spent at placement
- Focus I was able to give to externship

Overwhelmingly, students attributed their externship success to their relationship with their supervisor, with 82% choosing that as one of their top three factors contributing to their externship success.<sup>93</sup>

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<sup>93</sup> *But see* Brook K. Baker, *Practice-Based Learning: Emphasizing Practice and Offering Critical Perspectives on the Dangers of Co-Optation*, 56 N.Y. L. SCH. L. REV. 619, 646 (2011) (citing Givelber, et. al., *supra*\_note 35 at 25, 41 (“[T]he quality of supervision was not significantly correlated with students’ assessment of the quality of their co-op as a learning experience.”)).

Figure H



Their “own motivation to work in the real-world setting” came in second with 63%. “Nature of the work assignments” was third with 58%. Respondents from Chapman, Southwestern, and UCLA all identified these three items among the top three. Notably, “relationship with supervisor” was the top item for all schools, nearly twenty points above the second most helpful item. Next, outside the top three were “focus I was able to give the placement” (23%), “prior work experience” (21%) and “prior legal experience” (16%).

### 3. Narratives' Summary

After the externs were asked to identify the three most helpful items to their externship success, they were asked to “please elaborate on what you

feel helped you to succeed in your externship.”<sup>94</sup> This question invited externs to describe the reasons for their success in their own words and provided an opportunity for the students to reflect on more than just the top three factors that helped them succeed. If a student wanted to highlight more than three elements or to raise new issues not anticipated in the previous question – whether positive or negative – they were free to do so, and in fact many did. Overwhelmingly, students credited their relationships with their supervisors for their externship success, with a large number singling out feedback from supervisors as being instrumental to their success.

In order to gather information from the written responses, they were coded for content, marking which of the originally-listed categories the answers best fit, and creating new categories as needed. Each of the externship professor authors completed this task separately at first, and then compared their coding to ensure accuracy. When a response touched positively on one of the old or new categories, it was marked a “1” in the appropriate column; when the response had negative things to say about the factor, it was marked a “-1.”

Of the 234 externs who responded to the survey, 171, or 73%, shared their thoughts in response to this question.<sup>95</sup> The results were fascinating, some expected and some quite surprising.

Notably, the externs credited their relationships with their supervisors for their externship success, which was one of the previously listed factors. Half of the respondents (49.7%) wrote that it was their supervisors’ support and guidance that enabled them to succeed. As one extern put it, their supervisor was

[A]mazing! She allowed me to take the lead on many of the assignments but would offer critical feedback when necessary. She was always supportive and when she did have suggestions or criticism it was always constructive and motivating. Her kindness and her experiences motivated me to continue to do my best, for her and our clients.

Of the 49.7% of externs crediting supervisors, nearly one quarter (23.5%) specifically mentioned the feedback they received from supervisors as key, which was a more nuanced take on the category the Externship Study had listed. “I believe without the feedback from the supervisor I would have been lost during my externship. I needed that guidance to show me which areas needed an improvement as well as confirmation that I was doing some

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<sup>94</sup> See app. C at 6. The study also asked, “If you believe your externship has not been successful, why not?” but received no responses to this question.

<sup>95</sup> Coded responses on file with the authors.



things very well!” Having the trust of their supervisors was important to 2.9% of the externs who responded with a narrative, as was having friendly and supportive staff attorneys (3.5%) and office staff (4%), none of which appeared on the original list. One extern credited their success to “my coworkers and supervisors. It was a very warm, friendly and welcoming environment and I was treated with respect.”

The second largest response category was for the attitude the externs brought to the placements. This was very similar to the statistical summary of the second item that externs found most helped their externship success – i.e., own motivation to work in the real world setting. One quarter (25.1%) of respondents credited their success to some sort of self-motivation, whether it was the motivation to work in the real world (an original factor listed), or their own dedication, work ethic and self-confidence (a factor that emerged from the responses). “I believe my motivation of knowing that I want to be a personal injury attorney was my driving force,” wrote one extern, continuing that “I realize that everything I did during my externship will continue to hone my skill set as an attorney.” The importance to their future practice and interest in the subject matter led to a successful experience, both newly-emerged factors, for 7.6% of respondents. “My externship is exactly what I want to do post-graduation,” wrote one extern, “so my motivation to succeed was through the roof.” Interestingly, 3.5% of externs responding specifically mentioned that having goals to work toward was key, and another 3.5% stated that being assertive and taking initiative made them successful, both new categories. One extern wrote that “being ASSERTIVE (i.e. ask for work, check up on people, ‘be seen’)” made the difference.

The next biggest category credited with leading to success was the nature of the work assigned to externs – an original factor that students had previously identified as the third most helpful item to their externship success – with 23.9% of respondents writing something about the type of work they did as being important. For example, one extern wrote that the supervisor “entrusted me with a lot of important and substantive assignments.” New categories that emerged were helping clients, feeling useful, or being given meaningful work, mentioned by a total of 6.4% externs. One extern “absolutely LOVED going to work every day, being assigned meaningful projects/assignments that actually made a difference....” Other things that students found helpful were being given a diversity of assignments (3.5%) and appropriate level projects (1.1%), each a new category.

The fourth most mentioned reason for success was the prior legal or other work experience, with 12.2% of respondents mentioning one or the

other, or both, of these original factors. “The skills I used during my externship were skills I developed while working real jobs outside of school” wrote one extern. Prior educational experiences, which had not appeared on the supplied list of factors, also played a role, with 5.8% mentioning law school classes as contributing to their success. Of that 5.8%, 30% mentioned specific law clinics and other practical training, 30% mentioned legal research and writing courses, and 20% cited subject-matter-related doctrinal classes.

Only 8.7% of externs mentioned the number of hours spent at the externships, or the focus they were able to give the externship, as a reason for the success, both factors listed in the prior question. Just 1.7% raised the issue of networking as a helpful factor, a relatively small percentage but still one which the Externship Study had not anticipated.

The final category relates to the law school’s role in the externship experience. Only 7% of externs stated that their relationship with their externship professor or externship program staff, both original factors, were the basis of their success. One extern felt supported by the “externship professor and classmates, and by the externship program staff. This empowered me to accept an externship at a new placement, take on projects I otherwise would not have the opportunity to, and to experience a work environment I could not have without this program.” Another extern, who had a less-positive experience at the placement, wrote that “[m]y externship professor’s responses to my reflection journals helped me keep perspective and focus on the positive that I am getting out of this experience.” (This was the only narrative of this kind.) However, nearly as many externs (6.4%) expressed negative feelings about the externship class, reflective journals, and time sheet requirements. One extern explained that they succeeded in the externship “[b]y focusing on the placement/work. The class component is just background noise for the most part.” Another remarked that the “class assignments and guided reflections, although some of them were very interesting, did not have any bearing on the success of my externship, and I did them mainly to satisfy the academic component of my externship.”

#### D. Importance of Supervision and Feedback

The Externship Study asked all supervisors and students how strongly they agreed or disagreed (on a seven point scale) with the below statements about their placement. The following statements are from the student’s perspective and were reframed to be from the supervisor’s perspective on their surveys, but were substantively the same. When combining “strongly agree” and “agree,” a clear picture emerges, from the 172 supervisor

responses and 234 student responses, of what supervisors are doing for their externs.

Figure I

| Placement Component   | <u>Percent of Students<br/>Agree or Strongly Agree</u> | <u>Percent of<br/>Supervisors<br/>Agree or<br/>Strongly Agree</u> |
|---|--|---|
| I was provided an orientation at my placement at the start of my externship.                              | 74%  | 79%   |
| I received effective training and clear instructions from my field supervisor(s) before most assignments. | 77%  | 91%   |
| My supervisor(s) provided detailed feedback on most of my assignments.                                    | 65%  | 80%   |
| My supervisor(s) has been generally accessible to provide guidance and answer questions.                  | 83%  | 94%   |
| My supervisor(s) discussed my goals   | 69%  | 78%   |

|  |     |     |
|--|-----|-----|
| with me and seemed to plan assignments with those goals in mind.   |     |     |
| My externship has included opportunities for professional development outside regular placement assignments. | 68% | 68% |

Importantly, as discussed above in Section IV.C.1, the third item – supervisors providing detailed feedback on most assignments – emerged as a notable predictor of extern success. Yet, while the above responses suggest that the majority of supervisors are running the types of supportive and educational programs externship professors generally want, one of the lowest response ratings – 65% of students and 80% of supervisors – is in the category that the statistical analysis finds to be important: giving feedback. This is a critical data point to share with students as well as externship supervisors.

Furthermore, on most of the above six components, student and supervisor ratings were in the same general ballpark, but, with five of the six items, supervisors rated themselves more favorably than the students. Put another way, students believe they are getting less direction and oversight than supervisors feel they are providing. This is an important result to share with supervisors in order to encourage that they elicit their externs' feedback on the quality of the supervision and use that input as they continue to assess and improve the educational externships they provide to students.

#### IV. TAKEAWAYS AND CONCLUSION

The Externship Study has yielded rigorously mined data that can inform externship programs and course design to better promote students' learning and practice readiness. Below are takeaways identified from the Externship Study.

##### A. Students Achieve Success in Externships!

Supervisors agree that their students are successful at their externships! Importantly, supervisors rate their externs as being pretty close to practice-readiness by the end of the externship, measured by a representative subset of foundations identified to be “necessary” to first-year practice success by the Foundations for Practice national study. The high level of success is also across the board regardless of the entering credentials at various schools. In addition, students’ law school GPA plays a very limited role in students’ externship success.

For those faculty who find the value of externships challenged by segments of their law school or are weighing whether externships should only be reserved for high-performing students, this can be powerful information. This information is particularly compelling given the well-supported data (including from the Foundations study) about the critical role of externships in a new attorney’s hireability and readiness for practice.

#### B. Supervisor’s Role Is Critical

Supervisors occupy the most significant role in students’ externship success. The three probative angles as to what factors contribute to externship success (statistical models; descriptive summary; and narratives summary) pointed in one direction: the supervisor – namely, relationship with supervisor; feedback from supervisor; and nature of assignments at the placement.

Many externship professors may have viewed the supervisor as critical to the student’s learning and professional development, but now there is data to back up anecdotal supposition. This is important information as professors consider allocation of time and resources to interactions with supervisors. It’s also motivating and meaningful data to share with supervisors about the significant teaching role they assume when hosting externs.

Given the schools involved in the Externship Study, it is not surprising that it revealed that supervisors play such a meaningful role in students’ education. That’s because the three schools involved in the Externship Study and the regional externship consortium (SoCalEx) dedicate considerable resources to interactions with and training of the externship supervisors.<sup>96</sup> Of

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<sup>96</sup> One recent example is a one-hour CLE webinar that SoCalEx along with the Bay Area Consortium of Externships offered on supervising remote summer work, to address the anticipated remote work during summer 2020 due to COVID-19 pandemic. The externship director co-authors were contributors and presenters in this webinar that drew about 650 attendees. The recording of the webinar and accompanying materials can be found here <https://www.swlaw.edu/experiential->

course, this is based on the ABA requirements but also what is perceived to be critical to externs' success. And, of course, the nature and extent of interactions and training that would be optimal would require its own empirical study. What's clear, however, is that the resources dedicated to interactions with and training of supervisors are well worthwhile and should continue to be a prominent part of any externship program and ABA externship requirements.

1. More feedback. The critical importance of supervisor feedback deserves a spotlight. Although supervisors do so much for students across the board, they should be counseled to focus more on feedback, and students should be instructed to solicit more feedback as well when they feel they are not receiving it. It's one of the two items that had a notable relationship to extern success, and the only item within the supervisor's control that did so. Yet among the various items of orientation, training, and the like that students said they received at their externships, the smallest percentage of externs (albeit 65%) agreed or strongly agreed that their supervisors gave them detailed feedback on most assignments. In other words, 35% of externs perceived the feedback to be insufficient. This was in contrast to 80% of supervisors responding that they provided detailed feedback on most assignments. This mismatch warrants exploration with supervisors and encouragement to provide more feedback.

2. More supervision overall. The mismatch between student and supervisor perception about the extent of direction provided by supervisors also deserves to be highlighted. In all but one of the six categories of supervision surveyed, students felt they were getting less direction (albeit in the 65% to 83% range) than their supervisors believed they were giving (in the 68% to 94% range). This indicates that, though the externships generally end up successful, students feel some deficiencies about the supervision they are receiving.

The mismatch could potentially be a result of differing perceptions – e.g., if the supervisor provides an overview of the placement but does not call it an “orientation,” the student may believe that they did not get an orientation. Or the mismatch might be a result of differing expectations about what's meant by various supervision components – e.g., what constitutes “effective training and clear instructions from field supervisor(s) before most assignments.” Whatever the reason, the data raises a flag and invites

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learning/externship-program/southern-california-externships-socalex (last visited May 22, 2020). A number of very positive emails were received from the attendees (on file with the authors) and according to our post-webinar survey (on file with the authors), the vast majority of attendees found the speakers to be knowledgeable and well versed in the subject matter and found that the webinar provided them with useful information applicable to their remote supervision of law students.

discussion with supervisors. One option is to ask supervisors to elicit externs' anonymous feedback on supervision (of course, this will only work when the organization has a large number of externs). Another option is for supervisors to have a checklist of the supervision components to discuss with externs at the start of the externship, and at several points throughout the externship, while tracking their own performance on the various components and inviting student feedback.

### C. The Student's Own Role is Also Critical

The three probative angles as to what factors contribute to externship success also revealed that students themselves play a critical role in their externship success – namely, previous professional experience emerged as one of only two significant factors (along with supervisor's feedback); and motivation to work in the real world as well as their attitude toward the externship emerged as top contributors to success in the statistical summary as well as the narrative summary. This is empowering information to share with students.

Specifically, the notable statistical impact on ability score of previous professional experience is an important finding to share with career services offices and to share with students – even though this finding is subject to the limitation that 94% of respondents had previous professional experience. Professors should encourage students with no prior legal experience, who may be hesitant to extern, to take an externship, given that the Externship Study revealed that any prior professional experience, not just legal experience, is beneficial. Moreover, if a student has difficulty finding an externship, in their first summer for example, they should get any professional experience they can before externing, even if it is not legal experience. Finally, professors should promote multiple externships for the same reasons.

An additional notable point to share with students is that whether an externship is in a practice area that the student is “very interested in” turned out not to bear a relationship to externship success. Externship faculty often believe that a student could have a successful educational experience in an externship that isn't necessarily their first choice, but it is expected that a student who was particularly interested in the practice area of the placement would be more successful than others. But the Externship Study showed no statistical significance between this factor and externship success. This suggests that professors can encourage students to take an externship outside

of their area of practice interest without worrying that they might not do well because of it.

Similarly, we had suspected that the higher-unit externships would yield a higher level of success. However, the number of externship units had no notable effect on the extern's ability score. This is with the caveat that at the lowest end, the surveyed externs were spending an average of 15.5 hours each week at the placement. However, this finding is still helpful to schools that might discourage or not allow low-unit externships, thinking that students may not learn as well or do as well as in a placement where they spend more time.

Also important is that the students' own motivation and attitude as top contributors to externship success might be fueled (in some part) by the pre-placement counseling and guidance from the externship program faculty and staff as well as the academic component supporting the fieldwork. The students' survey responses did not identify a relationship with externship program staff or faculty, class meetings, or reflection exercises as top contributors to their externship success. However, this does not mean that the school factors do not play an important role in externs' success. This is an important area for each school to probe into through evaluation of its externship program, especially given the particular learning objectives and other measures applicable to the program.

Additionally, on a broader scope, probing into the extent of academic hours in addition to the fieldwork hours is an important area of exploration, given that the Externship Study did not find academic hours to be statistically significant to externship success. Further multi-school empirical research, with different kinds of externship programs, would be helpful in examining this area given the academic component for the three schools involved in the Externship Study – specifically in terms of the number of class hours and related preparation, readings, and journaling – are quite different,<sup>97</sup> yet the externs were equally successful and attributed their success to the same factors.<sup>98</sup>

#### D. Lower Student Self-ratings

Students generally rated themselves more negatively than their supervisors rated them. This could mean any of the following: students could use a boost of confidence, students could use more feedback from their supervisors to let them know how well they are actually doing, or it could be

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<sup>97</sup> See *supra* section II.B.2.

<sup>98</sup> See *supra* section II.C.2.



the result of the students' less experienced perspective compared to the supervisors. In any case, the students' skewed perceptions might negatively impact their confidence and general mental health, with potential ripple effects personally, academically, and professionally. Guiding students to self-assess based on concrete evidence would be helpful here to build good professional habits for the future. Specifically, students would benefit from self-assessing on assignments – e.g., identify two items they think they did well and two areas that need improvement – and then hearing their supervisor's feedback on those items.<sup>99</sup> This approach will help the students to take ownership of self-assessment, and, importantly, help them to gain a perspective that's evidence-based and what the market/employer/supervisor expects.

#### E. Legal Skills Improvement

Among the three sub-categories of foundations, students scored lowest in “legal skills.” This result was somewhat expected, as legal skills are different from the “character attributes” and “professional competencies” that students may bring to the externship, in that legal skills are typically a significant focus of what students are supposed to develop during the externship itself. However, the lower score in legal skills might be viewed as an opportunity to focus more on those skills in any class component that supports the fieldwork, as well as in other law school clinics, simulation courses and labs.

### CONCLUSION

Given the rigors of the Externship Study, the above concrete takeaways will inform the externship professor authors' respective programs and should prove to be beneficial to externship programs across the country, as well as potential externship regulations contemplated by the ABA. Additionally, as the externship community reflects on how we can continuously improve our programs for the benefit of our students, this Article will hopefully serve as an example of framing some of our reflective

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<sup>99</sup> Beryl Blaustone, *Teaching Law Students to Self-Critique and to Develop Critical Clinical Self-Awareness in Performance*, 13 CLIN. L. REV. 143, 152-54 (2006); S. Cal. Externships *supra* note 58, at 11-12.

queries as empirical research questions and producing answers or recommendations through methodical empirical studies.

## APPENDICES

## APPENDIX A: THE 77 FOUNDATIONS NECESSARY FOR NEW ATTORNEYS

The seventy-seven Foundations Necessary for New Attorneys – grouped in the three categories identified by IAALS. Also noted is the percentage of the 24k+ Foundations survey respondents who identified the foundation as necessary for new attorneys. The top twenty are noted with an “\*.” The twenty-nine included in our surveys to externs and supervisors are highlighted.

Professional Competencies

Keep confidentiality\* (96.1%)

Arrive on time\* (95.4%)

Treat others with courtesy and respect\* (91.9%)

Listen attentively and respectfully\* (91.5%)

Promptly respond to inquiries and requests\* (91%)

Take individual responsibility\* (82.2%)

Speak professionally\* (80.1%)

Emotional regulation and self control\* (80.4%)

Write professionally\* (78.1%)

Exhibit tact and diplomacy\* (77.7%)

Appropriately seek advice or guidance (75.2%)

Adhere to proper timekeeping and/or billing practices (74.5%)

Proactively provide status updates to those involved on a matter(73.5%)

Work cooperatively and collaboratively as part of a team (72.9%)

Prioritize and manage multiple tasks (72.8%)

Maintain high quality work product (72%)

Seek and respond to feedback (71.7%)

Adapt work habits to meet demands and expectations (70.8%)

Express disagreement thoughtfully and respectfully (70.2%)

Appropriate appearance and behavior (69.5%)

Maintain positive professional relationships (67.4%)

Handle dissatisfaction appropriately (61.7%)

React calmly and steadily in challenging or critical situations (60.8%)

Cope with stress in a healthy manner (60.3%)

Goal setting and planning (59.6%)

Learn and use relevant technologies effectively (58.1%)

Make decisions and deliver results under pressure (56.3%)  
See case or project through from start to timely finish (53.7%)  
Work autonomously (50.2%)  
Recognize client or stakeholder needs, objectives, priorities, constraints, and expectations (49.9%)  
Character Attributes  
Honor commitments\* (93.7%)  
Integrity and trustworthiness\* (92.3%)  
Diligence\* (88.4%)  
Strong work ethic\* (88.1%)  
Attention to detail\* (87.8%)  
Conscientiousness\* (85.5%)  
Common sense\* (84.6%)  
Intelligence\* (83.7%)  
Strong moral compass\* (79.2%)  
Energy (75.5%)  
Initiative (74.8%)  
Take ownership (70.4%)  
Demonstrate tolerance, sensitivity, and compassion (69.2%)  
Loyalty and dedication to firm or organization and its clients or stakeholders (69.1%)  
Positivity (64.7%)  
Humility (62.6%)  
Commitment to justice and rule of law (62.1%)  
Intellectual curiosity (61.8%)  
Have an internalized commitment to developing toward excellence (61.3%)  
Enjoy overcoming challenges (58.6%)  
Patience (58.2%)  
Flexibility and adaptability re unforeseen, ambiguous, or changing circumstances (58.1%)  
Resourcefulness (57.6%)  
Perceptiveness (55.9%)  
Prudence (55.7%)  
Resilience after a setback (55.7%)  
Passion for the work (55%)  
Maturity (53.2%)  
Have a personality that fits the firm or organization (53%)  
Grit (51.9%)  
Possess self-awareness (strengths, weaknesses, boundaries, preferences, sphere of control) (50.2%)

Legal Skills

Research the law\* (83.7%)

Understand and apply legal privilege concepts (77%)

Draft pleadings, motions and briefs (72.1%)

Identify facts and legal issues (71%)

Document and organize (68.8%)

Set clear professional boundaries (68.6%)

Gather facts (67.3%)

Request and produce written discovery (65.3%)

Use techniques of legal reasoning and argument (65%)

Recognize and resolve ethical dilemmas in a practical setting (60.9%)

Conclude relationships appropriately (57.1%)

Critically evaluate arguments (55.4%)

Core knowledge of relevant law (50.7%)

Prepare client responses (50.7%)

Draft contracts (50.3%)

Interview clients and witnesses (50.0%)

## APPENDIX B: SUPERVISOR SURVEY

Q5 How strongly do you agree with the following statements? (Please answer on behalf of yourself and any colleagues that also supervise this student). [Editor's Note: Survey takers were asked to respond to the following six statements with strongly disagree, disagree, somewhat disagree, neither agree nor disagree, somewhat agree, agree, or strongly agree.<sup>100</sup>]

Q5.1 We provide an orientation at the start of the externship.

Q5.2 We provide effective training and clear instructions to our externs before most assignments.

Q5.3 We provide detailed feedback on most assignments.

Q5.4 We are generally accessible to the externs to provide guidance and answer questions.

Q5.5 We discuss the externs' goals with them and plan assignments with those goals in mind.

Q5.6 We include opportunities for professional development outside regular placement assignments.

Q28 Do you believe that the student has been successful in the externship?  
Yes/No

Q6 The following categories are drawn from Educating Tomorrow's Lawyers Foundations for Practice project, a national study with more than 24,000 respondents, which identified the foundations for practice that entry-level lawyers need. On a scale of 1 to 5, please rate the extern on the following skills and attributes demonstrated by the end of the externship:

- 1: Beginning: Rarely demonstrated the skill/attribute at the level expected from a legal extern in this placement
- 3: Developing: Usually demonstrated the skill/attribute at the level expected from a legal extern in this placement

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<sup>100</sup> See the survey in original form at [https://chapmanu.co1.qualtrics.com/jfe/form/SV\\_8v32jAfs61twim9](https://chapmanu.co1.qualtrics.com/jfe/form/SV_8v32jAfs61twim9).

5: Exemplary: Consistently demonstrated the skill/attribute at the level expected from a legal extern in this placement

- Q6.1 Arrive on time
- Q6.2 Treat others with courtesy and respect
- Q6.3 Keep confidentiality
- Q6.4 Prioritize and manage multiple tasks
- Q6.5 Honor commitments
- Q6.6 Document and organize
- Q6.7 Integrity and trustworthiness
- Q6.8 Listen attentively and respectfully
- Q6.9 Speak professionally
- Q6.10 Write professionally
- Q6.11 Emotional regulation and self control
- Q6.12 Appropriate appearance and behavior
- Q6.13 Common sense
- Q6.14 Attention to detail
- Q6.15 Draft pleadings, motions and briefs
- Q6.16 Gather facts
- Q6.17 Request and produce written discovery
- Q6.18 Core knowledge of relevant law
- Q6.19 Draft contracts
- Q6.20 Research the law
- Q6.21 Identify facts and legal issues
- Q6.22 Use techniques of legal reasoning and argument
- Q6.23 Interview clients and witnesses
- Q6.24 Take individual responsibility
- Q6.25 Goal setting and planning
- Q6.26 Appropriately seek guidance or advice
- Q6.27 Strong work ethic
- Q6.28 Initiative
- Q6.29 Seek and respond to feedback

## APPENDIX C: EXTERN SURVEY

Q3 How strongly do you agree with the following statements? [Editor's Note: Survey takers were asked to respond to the following nine statements with strongly disagree, disagree, somewhat disagree, neither agree nor disagree, somewhat agree, agree, or strongly agree.<sup>101</sup>]

Q3.1 I was provided an orientation at my placement at the start of my externship.

Q3.2 I received effective training and clear instructions from my field supervisor(s) before most assignments.

Q3.3 My supervisor(s) provided detailed feedback on most of my assignments.

Q3.4 My supervisor(s) has been generally accessible to provide guidance and answer questions.

Q3.5 My supervisor(s) discussed my goals with me and seemed to plan assignments with those goals in mind.

Q3.6 My externship has included opportunities for professional development outside regular placement assignments.

Q3.7 My externship is in a practice area that I'm very interested in.

Q3.8 I have enjoyed my fieldwork experience.

Q3.9 I have felt supported by my school during my externship.

Q4 Do you believe you have been successful in your externship?  
Yes/No

Q5 To the extent you believe you externship experience has been successful or somewhat so, choose three (3) of the following that most helped you to succeed, and three (3) that have mattered the least. (Drag and drop your choices to the boxes at the right).

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<sup>101</sup> See the survey in original form at [https://chapmanu.co1.qualtrics.com/jfe/form/SV\\_b8TWVrbJAmpAFFj](https://chapmanu.co1.qualtrics.com/jfe/form/SV_b8TWVrbJAmpAFFj).



- Q5.1 Relationship with the supervisor (e.g., training and feedback you've received)
- Q5.2 Nature of work assignments
- Q5.3 Your own motivation to work in the real-world setting
- Q5.4 Relationship with your externship professor
- Q5.5 Relationship with externship program staff
- Q5.6 Class meetings/content
- Q5.7 Individual meetings with externship professor
- Q5.8 Reflection exercises/journals
- Q5.9 Time keeping entries Prior work experience Prior legal experience
- Q5.10 Number of hours spent at placement
- Q5.11 Focus I was able to give to externship

Q6 Please elaborate on what you feel helped you to succeed in your externship.

Q7 If you believe your externship has not been successful, why not?

Q38 The following categories are drawn from Educating Tomorrow's Lawyers Foundations for Practice project, a national study with more than 24,000 respondents, which identified the foundations for practice that entry-level lawyers need. On a scale of 1 to 5, please rate yourself on the following skills and attributes demonstrated by the end of the externship:

- 1: Beginning: Rarely demonstrated the skill/attribute at the level expected from a legal extern in this placement
- 3: Developing: Usually demonstrated the skill/attribute at the level expected from a legal extern in this placement
- 5: Exemplary: Consistently demonstrated the skill/attribute at the level expected from a legal extern in this placement

- Q38.1 Arrive on time
- Q38.2 Treat others with courtesy and respect
- Q38.3 Keep confidentiality
- Q38.4 Prioritize and manage multiple tasks
- Q38.5 Honor commitments
- Q38.6 Document and organize
- Q38.7 Integrity and trustworthiness
- Q38.8 Listen attentively and respectfully

- Q38.9 Speak professionally
- Q38.10 Write professionally
- Q38.11 Emotional regulation and self-control
- Q38.12 Appropriate appearance and behavior
- Q38.13 Common sense
- Q38.14 Attention to detail
- Q38.15 Draft pleadings, motions and briefs
- Q38.16 Gather facts
- Q38.17 Request and produce written discovery
- Q38.18 Core knowledge of relevant law
- Q38.19 Draft contracts
- Q38.20 Research the law
- Q38.21 Identify facts and legal issues
- Q38.22 Use techniques of legal reasoning and argument
- Q38.23 Interview clients and witnesses
- Q38.24 Take individual responsibility
- Q38.25 Goal setting and planning
- Q38.26 Appropriately seek guidance or advice
- Q38.27 Strong work ethic
- Q38.28 Initiative
- Q38.29 Seek and respond to feedback

Q9 Your School

Q10 Year in Law School (if responding to this survey in the summer, select the year you will be starting in the fall)

Q12 Law School Program Length

- 2-year program
- 3-year program
- 4-year program

Q13 What type of organization are you externing with?

- State Court
- Federal Court
- Administrative Court
- Law office
- In-house counsel
- District Attorney
- Public Defender
- Other government agency

Public interest / Non-profit  
Other

Q14 Are you paid?

Yes – I am compensated by my externship

Yes – I receive a grant

No

Q15 How many units is your externship (excluding units attributed to a classroom or similar component)?

Q16 How many hours per week do you work at your placement?

Q17 How many other units are you taking besides the externship?

Q18 How many hours total did you spend attending an externship class or tutorial, whether in person or online?

Q19 How many hours total did you spend reading or otherwise preparing for an externship class or tutorial?

Q20 Other than the externship and your other course commitments, approximately how many hours per week do you devote to other significant responsibilities (e.g., a job, family obligations)?

Q21 Have you previously worked in a professional setting? Yes/No

Q22 If you have previously worked in a professional setting, for approximately how many months?

Q23 Have you previously worked in a law firm, legal department or agency, or court? Yes/No

Q24 If you have previously worked in a law firm, legal department or agency, or court, for approximately how many months?

Q25 How many for-credit externships have you taken previously?

- 0
- 1
- 2

Q26 If you took a prior externship, was it?

- In the same organization
- At a similar organization (same practice area)
- At a different organization

Q27 How many law clinics have you taken (including concurrently with this externship)?

- 0
- 1
- 2
- 3

Q28 Sex:

Q29 Age:

Q30 What was your LSAT score (for data normalization purposes only)?

Q31 What is your cumulative GPA (for data normalization purposes only)?

## APPENDIX D: GENERALIZED PARTIAL CREDIT MODEL OUTPUT

## Supervisor Model

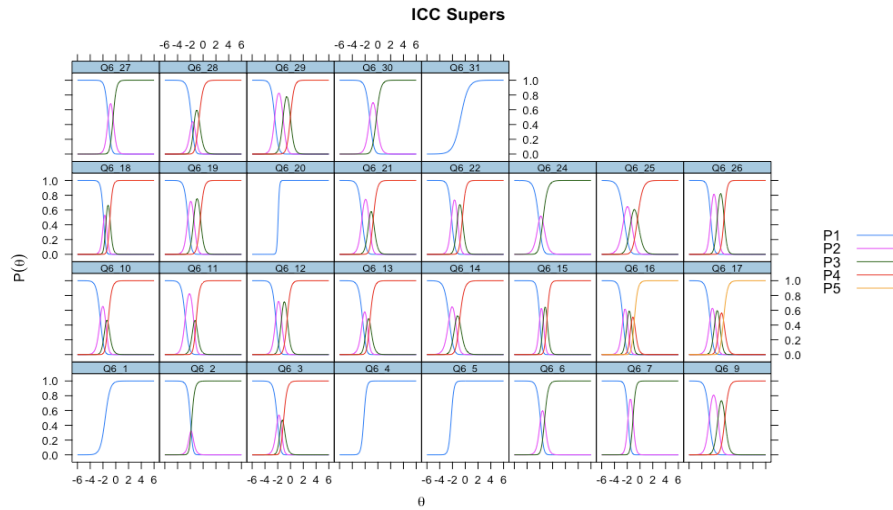
## Factor Loadings

| <b>Foundation</b> | <b>Loading</b> |
|-------------------|----------------|
| Q6_1              | 0.838          |
| Q6_2              | 0.894          |
| Q6_3              | 0.887          |
| Q6_4              | 0.941          |
| Q6_5              | 0.941          |
| Q6_6              | 0.894          |
| Q6_7              | 0.94           |
| Q6_9              | 0.879          |
| Q6_10             | 0.882          |
| Q6_11             | 0.89           |
| Q6_12             | 0.905          |
| Q6_13             | 0.875          |
| Q6_14             | 0.837          |
| Q6_15             | 0.933          |
| Q6_16             | 0.897          |
| Q6_17             | 0.88           |
| Q6_18             | 0.937          |
| Q6_19             | 0.899          |
| Q6_20             | 0.986          |
| Q6_21             | 0.882          |

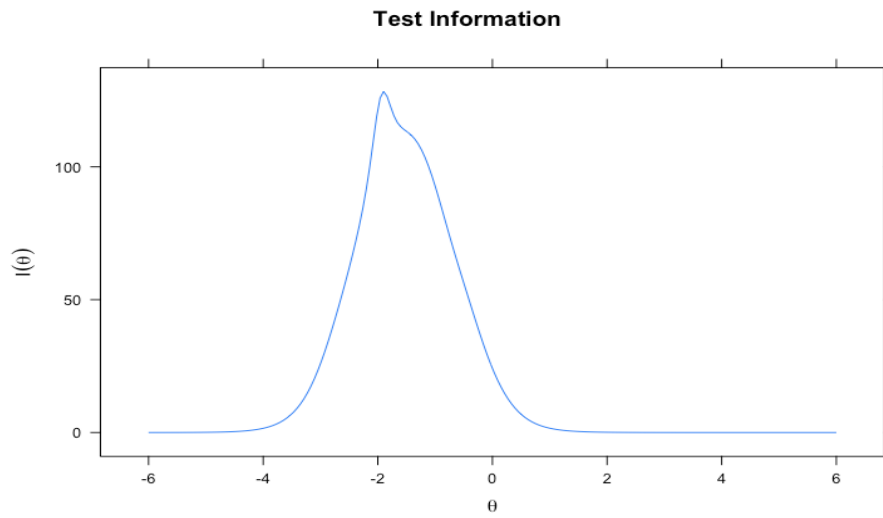
|                                  |       |
|----------------------------------|-------|
| Q6_22                            | 0.91  |
| Q6_24                            | 0.832 |
| Q6_25                            | 0.805 |
| Q6_26                            | 0.927 |
| Q6_27                            | 0.912 |
| Q6_28                            | 0.862 |
| Q6_29                            | 0.894 |
| Q6_30                            | 0.863 |
| Q6_31                            | 0.706 |
| Proportion of Variance Explained | 0.79  |

\*Note that the above numbered questions omit numbers 8 and 23, which were not used in the survey.

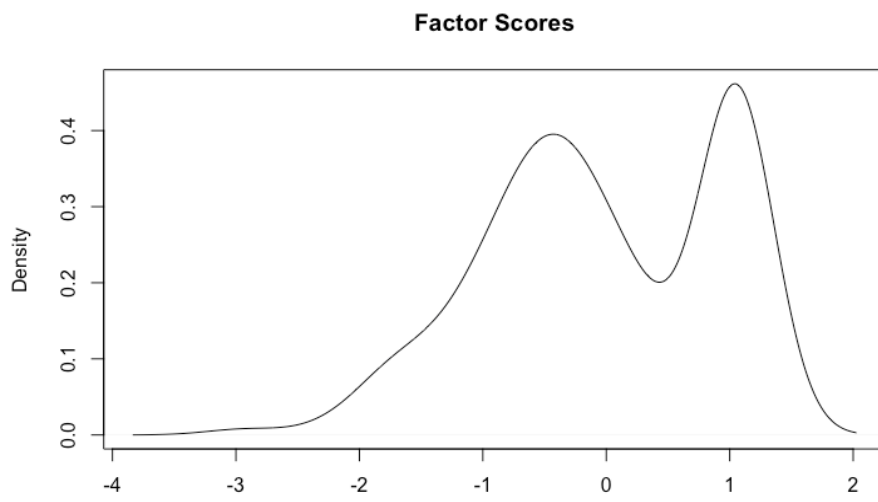
Item Characteristic Curves



Test Information Curve



Distribution of Factor Scores



## Student Model

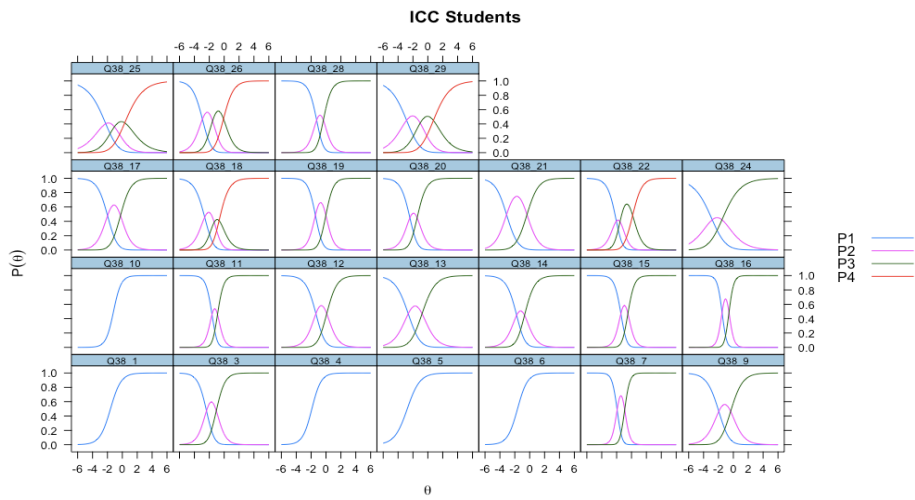
## Factor Loadings

| <b>Question</b> | <b>Loading</b> |
|-----------------|----------------|
| Q38_1           | 0.635          |
| Q38_3           | 0.694          |
| Q38_4           | 0.688          |
| Q38_5           | 0.568          |
| Q38_6           | 0.657          |
| Q38_7           | 0.86           |
| Q38_9           | 0.571          |
| Q38_10          | 0.753          |
| Q38_11          | 0.804          |
| Q38_12          | 0.637          |
| Q38_13          | 0.536          |
| Q38_14          | 0.627          |
| Q38_15          | 0.789          |
| Q38_16          | 0.874          |
| Q38_17          | 0.634          |
| Q38_18          | 0.622          |
| Q38_19          | 0.751          |
| Q38_20          | 0.667          |
| Q38_21          | 0.607          |
| Q38_22          | 0.676          |
| Q38_24          | 0.405          |

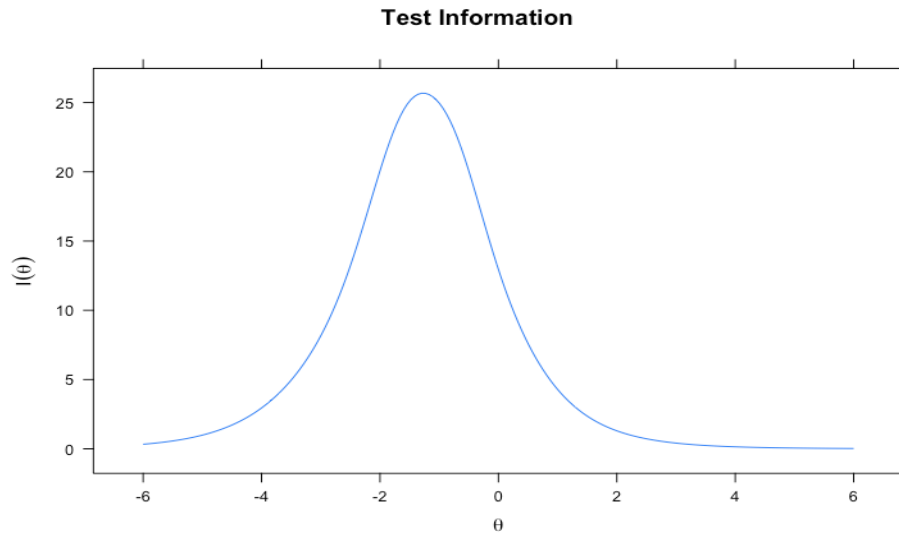


|                                  |       |
|----------------------------------|-------|
| Q38_25                           | 0.402 |
| Q38_26                           | 0.641 |
| Q38_28                           | 0.715 |
| Q38_29                           | 0.45  |
| Proportion of Variance Explained | 0.438 |

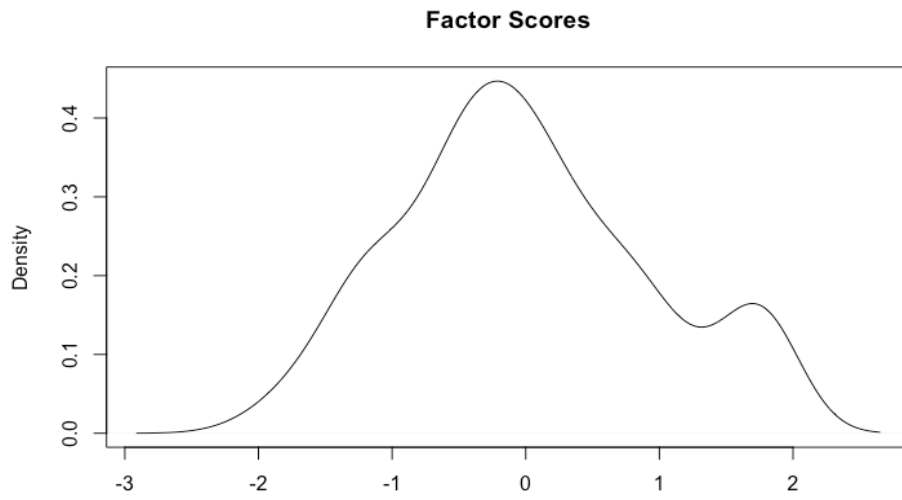
Item Characteristic Curves



Test Information Curve

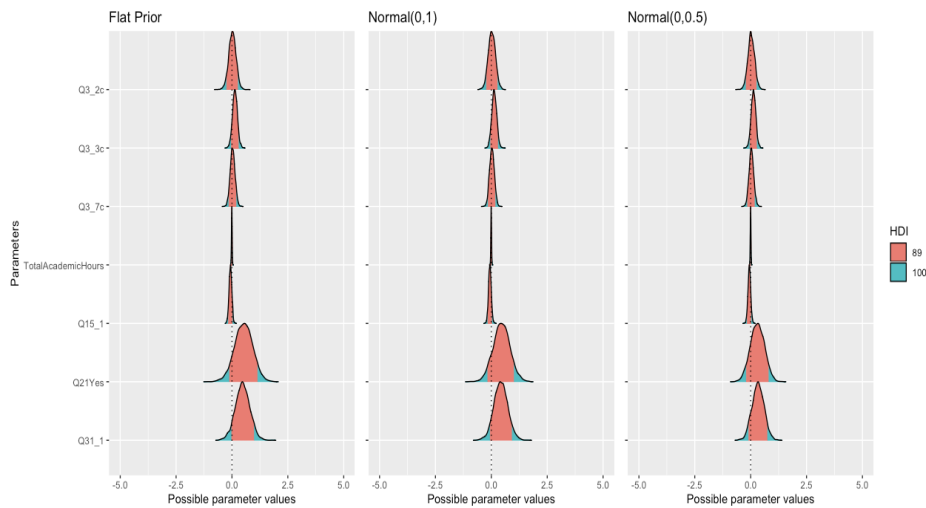


Distribution of Factor Scores



## APPENDIX E: SENSITIVITY ANALYSIS

Bayesian statistics allows for an analysis to incorporate both the data and prior information. Prior information can include the expertise from leaders in the field, knowledge about the scale and ranges of the variables in the model, or general knowledge about the type of model being used. A **sensitivity analysis** allows readers to compare the decisions and inferences made when different prior information is incorporated into the model. This is helpful because it reveals whether or not our conclusions are robust to different assumptions about the prior information that people could hold.



In this case, we tested 3 different priors. A **flat prior** which reflects an a priori belief that all possible coefficient values  $(-\infty, \infty)$  are equally likely. While this has the benefit of not excluding any possible coefficient value, it does result in some impractical assumptions (namely that extremely large or even impossible effects are just as likely as reasonably-sized ones).

The **normal(0,1)** prior reflects and a priori belief that most coefficients will be within 3 standard deviations of 0. In other words, it indicates that we believe that it is improbable (although still possible) that coefficients will have values larger than 3/-3 (3 \* standard deviation). Given the scale of the ability scores, this seems like a reasonable (if not conservative) assumption. This would indicate that for categorical variables, we assume that for the

most part, the largest change we would expect to see between two groups is 3 points on the ability score scale. For continuous variables, this would indicate that for everyone 1 unit increase we would assume that the largest change we would see is around 3 (or -3). Since the scale ranges from approximately -3 to 1.5, this seems reasonable. This prior does not rule out larger effects, but it does indicate that they are less likely.

Similarly, the **normal(0, 0.5)** prior reflects an a priori belief that most coefficients will be within 3 standard deviations of 0. In other words, it indicates that we believe that it is improbable (although still possible) that coefficients will have values larger than 1.5/-1.5 (3 \* standard deviation). This prior is more conservative, but given the scale of the ability scores, it does represent a reasonable prior belief. A jump of 3 units on the ability score scale would take someone from nearly the bottom to nearly the top. This prior would indicate that for categorical variables, we assume that for the most part, the largest change we would expect to see between two groups is 1.5 points on the ability score scale. For continuous variables, this would indicate that for everyone 1 unit increase we would assume that the largest change we would see is around 1.5 (or -1.5).

Coefficient Estimates (and 95% credible intervals) for each of the models are shown in the table below. While the precision of the estimates changes slightly from model to model, overall the inferences from the three models remain consistent. This means that across the range of prior beliefs tested here (from a flat prior to a narrow normal(0, 0.5) prior), the pattern of inferences remains stable.

|                       | <b>Flat</b>            | <b>Normal(0,1)</b>     | <b>Normal(0,0.5)</b>  |
|-----------------------|------------------------|------------------------|-----------------------|
| <b>Intercept</b>      | -2.576[-4.908, -0.199] | -2.398[-4.692, -0.196] | -2.012[-4.132, 0.087] |
| <b>Q3_2c</b>          | 0.018[-0.306, 0.329]   | 0.023[-0.286, 0.333]   | 0.026[-0.269, 0.328]  |
| <b>Q3_3c</b>          | 0.133[-0.085, 0.354]   | 0.13[-0.083, 0.344]    | 0.125[-0.08, 0.33]    |
| <b>Q3_7c</b>          | 0.029[-0.185, 0.241]   | 0.027[-0.179, 0.237]   | 0.031[-0.168, 0.244]  |
| <b>Academic Hours</b> | -0.007[-0.039, 0.024]  | -0.006[-0.038, 0.026]  | -0.003[-0.033, 0.028] |
| <b>Q15_1</b>          | -0.068[-0.192, 0.049]  | -0.064[-0.187, 0.062]  | -0.06[-0.184, 0.061]  |
| <b>Q21Yes</b>         | 0.521[-0.287, 1.296]   | 0.457[-0.275, 1.205]   | 0.301[-0.319, 0.902]  |
| <b>Q31_1</b>          | 0.477[-0.175, 1.104]   | 0.427[-0.175, 1.043]   | 0.33[-0.182, 0.857]   |