

**BACE**

**BAY AREA CONSORTIUM ON EXTERNSHIPS**



**presents:**

**Effective Feedback: To Give and How to Give**

November 10, 2015  
UC Berkeley School of Law

## **FEEDBACK: TO GIVE AND HOW TO GIVE**

**SUPERVISING ATTORNEY TRAINING, NOVEMBER 10, 2015**

### CONTENTS:

Presenter Bios	3
Agenda and Learning Goals	4
Role Play Materials	5
Gen Y Does Want Feedback Graphics	9
Rubrics for Written and Oral Work	11
Blaustone Feedback Model Summary	15
Tips for Giving Feedback	16
Advice for Writing Feedback	17
BACE Forms – Example Final Student Evaluation Forms	18
Negative Feedback Bibliography	26
BACE Member Contact Information	27

## Presenter Bios:

**Thiadora “Dori” Pina** is an Assistant Clinical Professor and Assistant Director of Professional Development and Externships at Santa Clara University School of Law. Prior to joining Santa Clara, Thiadora practiced civil litigation for over eleven years, including trial and appellate practice. In addition to her work as an attorney, Thiadora also taught paralegal studies and worked extensively with students developing externship opportunities and assisting with professional development and resume building.

**Nira Geevargis** is an Assistant Professor and Director of Externship Programs at the University of San Francisco School of Law. Prior to joining USF, Nira was a staff attorney at the Lawyers' Committee for Civil Rights of the San Francisco Bay Area. She litigated immigration cases and managed the General Legal Services Clinic, which provided pro bono legal representation to low-income clients partnering with law firms, solo practitioners, and nonprofit organizations. Nira also was awarded the Graduate Law Fellowship at GGU's Women's Employment Rights Clinic where she supervised law students representing low-wage workers.

**Sue Schechter** is a Lecturer in Residence and the Director of the Field Placement Program at UC Berkeley. Sue has spent most of her career since graduating law school in 1988 in law school administration and law student support positions, including Associate Dean for Student Services and Assistant Dean for Law Career & Alumni Services. Prior to her work at law schools, Schechter practiced at the Public Interest Clearinghouse's Public Interest Law Program, the Mental Health Advocacy Project, and the National Association for Equal Justice Works.

**Liz Toledo** is a third-year law student at Berkeley Law from Lawrenceville, Georgia. She majored in Political Science and minored in Gender Studies at Villanova University. After graduating, she worked with Jumpstart for Young Children as an AmeriCorps VISTA. Then, she volunteered in the Peace Corps in Nicaragua. In law school, she externed with Magistrate Judge Donna M. Ryu of the Northern District, was a summer associate at Farella Braun + Martel, and is currently completing a full time field placement at the ACLU of Northern California.

**Mai Linh Spencer** is an Associate Clinical Professor at UC Hastings College of the Law. Linh is the Academic Director of Hastings's Lawyers for America, and teaches and supervises students in the Legal Externship program and the Individual Representation Clinic. Prior to this position, she worked first as a prosecutor with the U.S. Department of Justice, Civil Rights Division, and then as a state public defender representing capital and non-capital clients on direct appeal.

**Brittany Glidden** is Director of the Externship Program and an Assistant Professor teaching Legal Research and Writing at Golden Gate University School of Law. Prior to this position, Brittany spent six years as a clinical teacher at GGU and University of Denver, supervising students litigating in a variety of practice areas, including domestic violence, employment, eviction defense, and federal civil rights cases. Prior to entering academia, she was a civil rights attorney and focused her practice on prisoners' rights.

## Agenda:

- I. Introductions and Goals
- II. Why Focus on Feedback?
- III. The Anatomy of Giving Feedback
- IV. BACE Tools and Expectations
- V. Takeaways

### I. Introductions and Goals

#### Goals:

1. Understanding and incorporating feedback as the cornerstone of a good externship
2. Demonstrate and provide ideas for giving effective feedback

## Role Play #1

Sue is a very busy supervising attorney at the understaffed public defender's office. Nira is an eager student extern who has been struggling with her written work product. Nira shines in court, but has been unable to write a concise, coherent, and thoroughly-researched motion.

Sue and Nira agreed at the beginning of the semester to meet weekly and discuss her progress. However, Sue had been busy preparing for a recent trial that recently concluded and has not met with Nira for two weeks. Sue has reviewed her most recent motion, which includes some spelling errors and is difficult to follow. She missed key cases and failed to read relevant cases including cases that were overturned on other grounds.

Sue and Nira are going to meet today so that he can provide feedback.

Based on Role Play #1, please answer the following questions with your neighbor:

1. As a supervisor, how would you provide feedback in this situation?
2. What did Sue do well and what could she have done more effectively?
3. What did Nira do well and what could she have done more effectively?

## Role Play #2

You are the extern supervisor at a busy non-profit law office. You receive the attached MTSA from your extern, Sam, with whom you will meet later today to sign the form. Sam has been doing a good job at responding to helpline calls, which often require brief, quick-turnaround legal research. You know that a colleague has asked Sam to draft a portion of an appellate brief, but you do not know how that project is going.

In your 2-3 person group, take 10 minutes to:

1. List all the feedback you could possibly give Sam, based on this MTSA. (1 minute)
2. ID your goals in your meeting with Sam. What do you think are Sam's goals? (2 mins)
3. Select the three most important pieces of feedback you would like to share with Sam at this time. (1 min)
4. Role play your meeting. (6 mins)

**BACE** Bay Area Consortium on Externships  
Mid-Term Self-Assessment

Extern: Sam Student Semester/Year \_\_\_\_\_

Supervisor(s): Ariel Attorney

Placement: \_\_\_\_\_

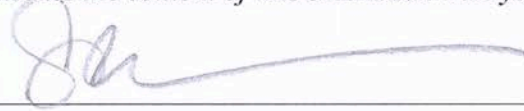
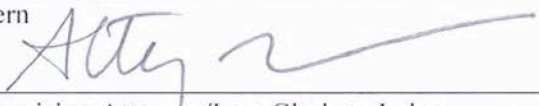
At this midpoint in your externship, you have completed a body of work and received feedback from which you may assess your skills. You are encouraged to be thoughtful, candid and specific in your assessment. Upon completion, please make time to discuss your self-assessment with your supervisor, make any modifications subsequent to your discussion and forward the evaluation to your faculty supervisor.

Please provide a brief description of the range of tasks and responsibilities you have been given thus far:	
<ul style="list-style-type: none"> <li>- Staff hot line</li> <li>- legal research for memos</li> <li>- assist with appellate brief</li> </ul>	
<b>Research and Analytical Skills</b>	How well are you able to identify and address relevant issues; how thorough and complete is your research; are you able to develop an effective and efficient research strategy?
Comments/Examples: <u>My research has improved since the beginning of the semester</u>	
<b>Writing Skills</b>	How well-organized, clear, grammatically correct, and persuasive is your writing? Are your citations accurate and in proper form? Is your writing tailored to your audience's needs?
Comments/Examples: <u>My writing could use more work.</u>	
<b>Legal Knowledge</b>	Have you demonstrated adequate familiarity with basic concepts of applicable law and procedure?
Comments/Examples: <u>I knew a lot about this area when I arrived and am learning more</u>	
<b>Oral Skills</b>	How well do you orally communicate concerning legal matters; how clear is your presentation; how well do you respond to questions?
Comments/Examples: <u>I am not doing any oral presentations.</u>	



<b>Ethical Concerns</b>	Have you recognized ethical issues and raised them appropriately, do you conform with office confidentiality protocols, etc.?
Comments/Examples: None	
<b>Attitude and Work Habits</b>	How dependable and reliable are you? How well do you manage your time? Do you demonstrate attention to detail? How organized and up to date are you with assignments? How well do you receive feedback and incorporate suggestions into subsequent work?
Comments/Examples: I am punctual and work the agreed hours	
<b>Professionalism</b>	Do you demonstrate maturity, good judgment, and sensitivity in interactions with other staff, judges, etc.?
Comments/Examples: I dress appropriately and am friendly with all.	
Please describe the areas/skills that you will focus on improving over the remainder of the semester. More efficient research & time management	

*Please discuss the content of this evaluation with your supervisor.*

  
 \_\_\_\_\_  
 Extern  
  
 \_\_\_\_\_  
 Supervising Attorney/Law Clerk or Judge

11/10/15  
 \_\_\_\_\_  
 Date  
 11/10/15  
 \_\_\_\_\_  
 Date

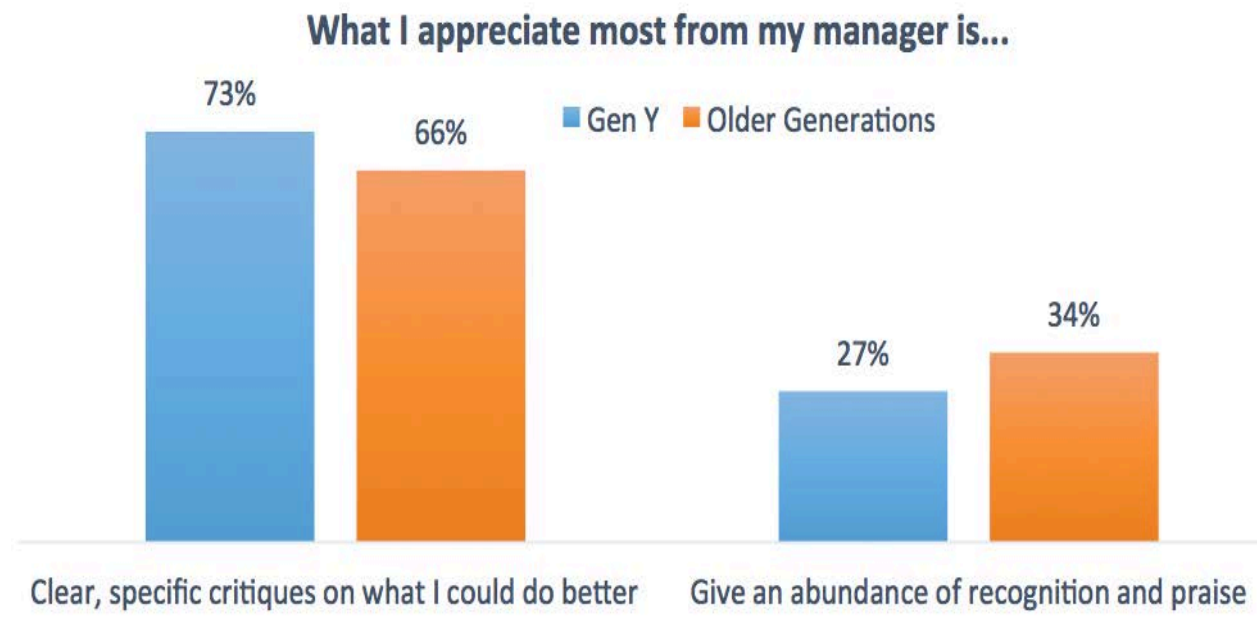
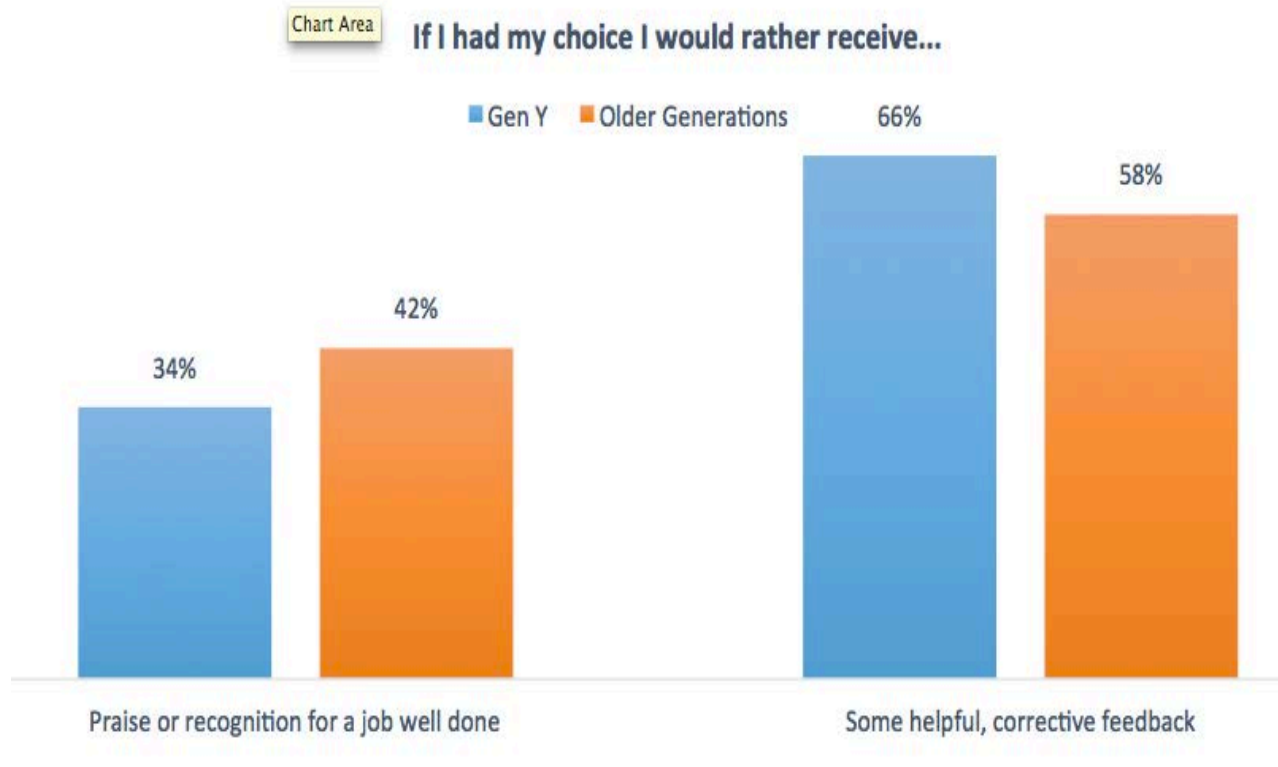
<b>Supervisor's Comments on Extern's Self-Assessment (optional):</b>
SAM IS DOING WELL. WE ARE HAPPY TO HAVE SAM IN THE OFFICE.

Please upload this form to Blackboard 24 hours before your site visit or by September 25, 2014, whichever is earlier.

This evaluation form was developed and adopted for use by the Bay Area Consortium on Externships (BACE). Participating schools: Golden Gate, Santa Clara, Stanford, UC Berkeley, UC Hastings, University of the Pacific/McGeorge, University of San Francisco School of Law.



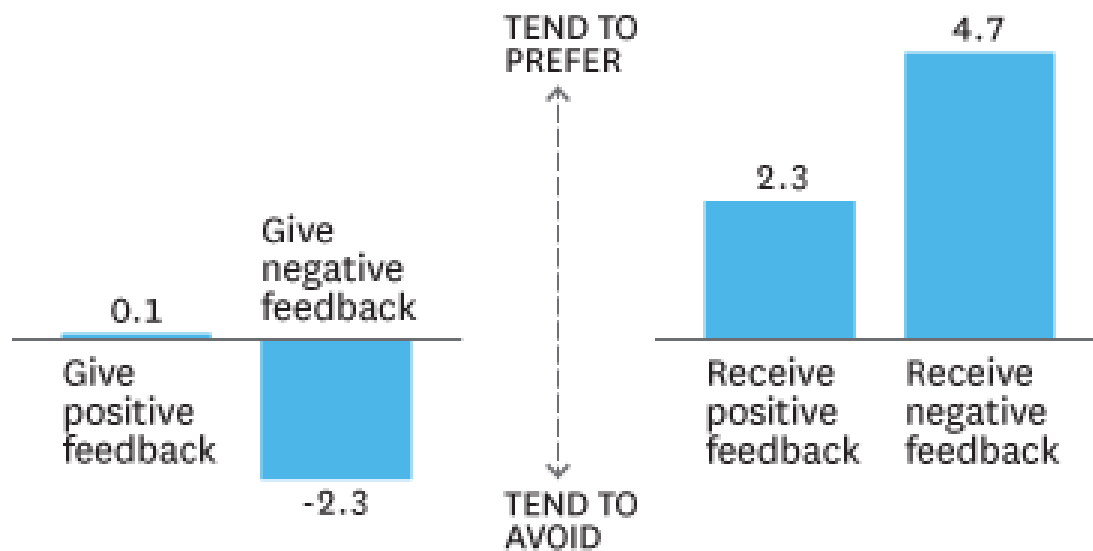
## Generation Y reports as wanting to receive negative feedback:



Source: Folkman, available at: <http://www.forbes.com/sites/joefolkman/2014/05/22/does-gen-y-really-want-honest-feedback/>

---

**NO ONE LIKES TO GIVE NEGATIVE FEEDBACK,  
BUT EVERYONE WANTS TO HEAR IT**



SOURCE ZENGER/FOLKMAN

HBR.ORG

## Feedback Rubric for Written Work

### **Professionalism:**

- Extern understood assignment, asking clarifying questions up front?  not yet  adequate  excellent
- Extern worked independently, but communicated about progress and sought guidance when necessary?  not yet  adequate  excellent
- Extern managed her/his time effectively and worked efficiently?  not yet  adequate  excellent
- Deadline was met?  yes  no

### **Overall Legal Analysis:**

- Defines legal issue precisely and accurately?  not yet  adequate  excellent
- States a clear and precise prediction, rather than waffling (objective) Or states position clearly and persuasively (advocacy)?  not yet  adequate  excellent
- States general rule and briefly defines the tests?  not yet  adequate  excellent
- Includes general concepts related to the relevant law (e.g., policy and/or principles underlying legal rule)  not yet  adequate  excellent

### **Use of Facts:**

- Uses key facts to frame the legal issue?  not yet  adequate  excellent
- Presents facts in a readable format and is not disjointed?  not yet  adequate  excellent
- Presents (only) relevant facts?  not yet  adequate  excellent

<b>Comments:</b>
------------------

### **Overall Presentation:**

		See these pages for examples of where presentation was “not yet” polished
Memo is clear and concise?	<input type="checkbox"/> yes	
Memo effectively quotes? <i>(i.e., quotes selectively to highlight key facts/ reasoning)</i>	<input type="checkbox"/> yes	
Writing is fluid and readable? <i>(i.e., includes transitions; sentences are not overly long; phrasing is direct, rather than awkward)</i>	<input type="checkbox"/> yes	
Writing is free of “legalese” or unnecessary wordiness?	<input type="checkbox"/> yes	
Cites are correctly formatted and include precise pin cites?	<input type="checkbox"/> yes	
Memo is properly formatted?	<input type="checkbox"/> yes	
Writing is free of grammatical errors?	<input type="checkbox"/> yes	

**Issue #1:**

- |  |   |
|--|---|
| Follows a logical structure?   | <input type="checkbox"/> not yet <input type="checkbox"/> adequate <input type="checkbox"/> excellent |
| Includes a substantively correct and complete rule?  | <input type="checkbox"/> not yet <input type="checkbox"/> adequate <input type="checkbox"/> excellent |
| Case descriptions include useful facts and reasoning?<br><i>(i.e., case descriptions are not skimpy; and are not cluttered with unnecessary details)</i> | <input type="checkbox"/> not yet <input type="checkbox"/> adequate <input type="checkbox"/> excellent |
| Case descriptions begin with descriptive topic sentences?  | <input type="checkbox"/> not yet <input type="checkbox"/> adequate <input type="checkbox"/> excellent |
| Application is explicitly organized around legal concepts?   | <input type="checkbox"/> not yet <input type="checkbox"/> adequate <input type="checkbox"/> excellent |
| Application includes specific, explicit and relevant comparisons of our facts and case facts?  | <input type="checkbox"/> not yet <input type="checkbox"/> adequate <input type="checkbox"/> excellent |

**Comments/Examples:**

**Issue #2:**

- |  |   |
|--|---|
| Follows a logical structure?   | <input type="checkbox"/> not yet <input type="checkbox"/> adequate <input type="checkbox"/> excellent |
| Includes a substantively correct and complete rule?  | <input type="checkbox"/> not yet <input type="checkbox"/> adequate <input type="checkbox"/> excellent |
| Case descriptions include useful facts and reasoning?<br><i>(i.e., case descriptions are not skimpy; and are not cluttered with unnecessary details)</i> | <input type="checkbox"/> not yet <input type="checkbox"/> adequate <input type="checkbox"/> excellent |
| Case descriptions begin with descriptive topic sentences?  | <input type="checkbox"/> not yet <input type="checkbox"/> adequate <input type="checkbox"/> excellent |
| Application is explicitly organized around legal concepts?   | <input type="checkbox"/> not yet <input type="checkbox"/> adequate <input type="checkbox"/> excellent |
| Application includes specific, explicit and relevant comparisons of our facts and case facts?  | <input type="checkbox"/> not yet <input type="checkbox"/> adequate <input type="checkbox"/> excellent |

**Comments/Examples:**

**Additional Feedback Specific to the Assignment or Student Goals:**

## Feedback Rubric for Oral Research Report

### Professionalism and Demeanor:

- Extern understood assignment, asked questions up front?  not yet  adequate  excellent
- Extern made eye contact?  not yet  adequate  excellent
- Extern was not overly relying on a computer?  not yet  adequate  excellent
- Extern spoke clearly and at an understandable pace?  not yet  adequate  excellent
- Extern appeared poised and confident?  not yet  adequate  excellent
- Extern used professional and appropriate language?  not yet  adequate  excellent
- Extern responded calmly and non-defensively to questions?  not yet  adequate  excellent
- Extern listened to questions and answered the question asked?  not yet  adequate  excellent

### Organization

- Extern started with an introduction (i.e. restating the question and offering an overview of the answer)?  not yet  adequate  excellent
- Extern's presentation followed a logical structure?  not yet  adequate  excellent
- If needed, extern explained the organization to the listener?  not yet  adequate  excellent
- If needed, extern used transitions between points/topics?  not yet  adequate  excellent
- If materials were used, they assisted the listener?  not yet  adequate  excellent

### Overall Legal Analysis:

- Was the legal issue defined precisely and accurately?  not yet  adequate  excellent
- If appropriate, extern stated a clear answer/prediction?  not yet  adequate  excellent
- Extern identified the relevant authorities?  not yet  adequate  excellent
- Extern was able to explain any relevant standard or test?  not yet  adequate  excellent
- Explained the basis for the standard/test (statute/caselaw)?  not yet  adequate  excellent
- Extern offered the "correct" level of detail on authorities (not overly conclusive, and not overly detailed)?  not yet  adequate  excellent
- Where applicable, extern offered the key case information (court, year, relevant facts, holding)?  not yet  adequate  excellent
- Extern understood and could explain how the authorities related to the case or question at hand?  not yet  adequate  excellent
- If applicable, extern clearly identified additional research or facts still needed about the case/question?  not yet  adequate  excellent
- If applicable, extern discussed any counter-analysis?  not yet  adequate  excellent
- Extern was substantively able to respond to questions asked?  not yet  adequate  excellent
- Extern able to "adjust" analysis based on points raised in report?  not yet  adequate  excellent

Additional Comments:

### Oral Communication Rubric – Generic Version

#### GOAL(S)

What were the primary goals of the communication? \_\_\_\_\_

Did student meet those goals?  not yet  adequate  excellent

How/not? \_\_\_\_\_

#### AUDIENCE

Who was the express audience for the communication? \_\_\_\_\_

Who, if anyone, was the hidden audience? \_\_\_\_\_

Did the extern tailor her communication to the audience(s)?  not yet  adequate  excellent

How/not? \_\_\_\_\_

#### PROFESSIONALISM/DEMEANOR

Extern's demeanor was appropriate for the audience?  not yet  adequate  excellent

Pace was appropriate?  not yet  adequate  excellent

Language was appropriate?  not yet  adequate  excellent

Extern adhered to the time limit?  not yet  adequate  excellent

Extern used the time effectively?  not yet  adequate  excellent

Extern effectively answered questions?  not yet  adequate  excellent

#### ORGANIZATION

Extern started with an introduction?  not yet  adequate  excellent

Extern's presentation followed a logical structure?  not yet  adequate  excellent

If needed, extern explained the organization to the listener?  not yet  adequate  excellent

If needed, extern used transitions between points/topics?  not yet  adequate  excellent

If materials were used, they assisted the listener?  not yet  adequate  excellent



Additional Comments:

## The Blaustone Approach to Providing Useful and Effective Feedback<sup>1</sup>

Beryl Blaustone, Professor of Law, CUNY School of Law, and the Director of the Mediation Clinic at Main Street Legal Services, Inc., developed a six-step model to assist field or clinical supervisors in giving students constructive feedback and in helping them learn how to effectively self-assess their own performances.

This model works best when both the student and the supervisor have independently spent time assessing the student's performance before engaging in the feedback session. It is time-consuming but very effective.

As with all feedback it is best for the assessment to be as specific as possible and include lots of examples. (Instead of "I did well talking to the client" the supervisor should be focused on "What exactly did you do well?" and "What evidence do you have that it went well?").

**Step One: The Student Identifies Strengths of the Performance:** The student should identify those aspects of the work that he or she feels were done well, including an identification of what the performance accomplished.

**Step Two: The Supervisor Responds Solely to Those Items Raised by The Student:** Giving only positive feedback, the supervisor at this stage confines remarks to those items raised by the student.

**Step Three: The Supervisor Identifies Other Strengths in the Performance:** The supervisor now adds additional points that were done well. This wide open stage explores all facets of the performance that were accomplished satisfactorily or that show a potential for success, with specific illustrations of why these aspects were successfully executed.

---

<sup>1</sup> Adapted from Beryl Blaustone, Teaching Law Students to Self-Critique and to Develop Critical Clinical Self-Awareness in Performance, 13 Clinical Law Review 143 (2006).

**Step Four: The Student Identifies Difficulties and/or Changes to be Made:** The student now takes the initiative in identifying areas in need of improvement, coming forward with specific comments.

**Step Five: The Supervisor Responds to the Identified Difficulties:** Confining remarks to areas identified by the student for improvement, the supervisor comments on how the issues could be handled differently next time.

**Step Six: The Supervisor Indicates Additional Difficulties:** This final stage involves another wide open exploration of all facets of the performance. The discussion focuses on aspects that were not satisfactorily accomplished, again with specific illustrations and concrete analysis.

## **Tips for Giving Feedback**

1. Consider what type of feedback you want to give and why. Should you be giving the other types as well?
  - Appreciation
  - Coaching
  - Evaluation
2. Be transparent.
3. Be timely.
4. Be specific; aim for describing behavior (avoid labels).
5. Avoid assumptions; clarify expectations.
6. Allow for the proper amount of time (specific to the situation).
7. If you can, celebrate mistakes (in any way that is authentic).
8. Model requesting and evaluating FB.

Betsy Candler, 2014

## **What Students Find Effective – Seven Pieces of Advice for Writing Feedback**

Excerpted from Anne Enquist, *Critiquing Law Students' Writing: What The Students Say is Effective*, 2 *Legal Writing: Journal of the Legal Writing Institute* 145, 155 (1996).

1. Writing an end comment is essential to effective critiquing;
2. Students want in-depth explanations, examples, or both;
3. Students need positive feedback;
4. Too many comments can overwhelm some students;
5. Critiquers should pace themselves so that they have some commenting energy left for the end of the paper;
6. Some types of comments are far more effective than others: illegible, coded, cryptic, and labeling comments are less effective than comments that identify a problem and suggest a solution or go even further and offer a rationale for the solution;
7. Comments phrased as questions can be effective, but they also can draw negative reactions from students.

**(BEST PRACTICES EXAMPLE) FINAL EVALUATION OF LAW STUDENT EXTERN**

Thank you for your support, supervision, and mentoring of a law student. Your candid evaluation of this student is much appreciated. Please provide specific examples and enough detail to inform the student and instructor of the student’s progress in the specific areas noted in the following final evaluation. If an area is not applicable, please explain the reason in the comments box.

**Please type in Word or print clearly; submit this form either by email to [sderian@ggu.edu](mailto:sderian@ggu.edu) as MS WORD, ADOBE PDF scanned document, OR submit via fax to (415) 543-6680.**

Please discuss the content of this evaluation with the student before, or promptly after, completing the evaluation.

**Student Extern Name:** A. Student (who needs improvement particularly with writing/analysis)

**Name of Clinic Course:** \_\_\_\_\_ **Semester/Year:** Fall 2015

**Supervising Attorney(s):** \_\_\_\_\_

**Clinic Placement Location (Company/Facility Name):** \_\_\_\_\_

**Scope of Responsibilities:** Has the extern’s range of tasks and responsibilities changed significantly since the mid-term evaluation? Comments:

Ms. Student has had the opportunity to gain more experience with writing. She was assigned a memo on a legal defense for our client. She then was asked to convert this to a portion of the brief on the same topic. In addition, she explained this legal claim to the client in a conference and counseled the client as to the pros and cons of raising this defense. She was also part of preparing the lawyer to argue the motion.

**INSTRUCTIONS: Please score the extern using the following scale (use one *whole* number per area; *do not use decimals or variations of #s such as “3.5” or “4-5” as ratings):***

1 = Unacceptable	Performance consistently fails to meet minimum expectations.
2 = Needs Improvement	Performance occasionally falls short of minimum expectations.
3 = Satisfactory	Performance meets minimum requirements; no evidence of particular strength or serious deficiency.
4 = Good	Performance meets expectations, competent.
5 = Excellent	Performance effective and strong, frequently beyond expectations.
6 = Outstanding	Performance consistently and significantly above expectations, on par with an entry level attorney.

**Research and Analytical Skills** SCORE = 4

Is the student able to bring his or her knowledge of legal principles to bear in analyzing cases? Is s/he able to recognize and properly identify legal issues in case fact patterns? Has s/he shown creativity in turning facts to legal advantage? Is s/he able to distinguish relevant from tangential issues? Is the student skilled with utilizing both computer and print resources?

Ms. Student is a diligent worker. She was able to find relevant cases related to the legal claim she was asked to research. She read these claims and was good at identifying the holding and facts. She also was able to discuss the reasoning from a prior case, though often she had to be prompted to do so. Where Ms. Student needs more work is in being able to apply these prior case holdings to the situation at hand. She does a good job of comparing each case to our clients (she knows what is similar and what is different). However, she struggles to synthesize the cases into a broader rule that will be favorable for our client.

**Writing Skills** SCORE =   3  

Does the student use proper grammar, spelling, (syntax?), and citation format? Does the student appreciate the differences in style among the different forms of legal writing (e.g. analytical for memoranda, argumentative/advocative for motions/pleadings)? Is the student's work well organized, concise, and clear?

Ms. Student has expressed that she wants to improve her legal writing skills. This area is a good place for her to focus her efforts going forward. While she is able to explain the cases and how they apply to our client's situation in person, she struggles to make this analysis clear in her writing. In part, this difficulty relates to the analytical and synthesis issues discussed above – A needs to keep working to see how the cases fit together. But in part, she also needs to be careful about her organization. Often she did not adhere to CREAC/IRAC and she is starting to talk about how the cases apply to her client before she has finished laying out and explaining the rule. In part, she should consider spending more time thinking and outlining before writing because it wasn't clear to the reader what she was trying to convey with each paragraph of her memo or brief. (Specific examples of this were given to her on each draft she turned in.) Her rewrite after discussing it was always much improved and I know she is motivated to keep working on her writing. Because Ms. Student is very professional, she did do an excellent job of following the format requested in her writing and in making sure it was free from typos, and grammatical and citation errors.

**Legal Knowledge** SCORE =   4  

Has the student demonstrated adequate familiarity with basic concepts of applicable law and procedure? Is the student adept at grasping legal problems and at fashioning solutions to them independently? Have you seen progress in these areas? Please discuss specific examples.

Our office handles an area of law that was new for Ms. Student. While she is familiar with basic legal concepts of procedure, our cases have many complicated procedural rules and deadlines that she did not learn about in school. We appreciated her willingness to take on the task of trying to identify these deadlines. She was excellent at learning to use the secondary sources and office materials to familiarize herself generally with the case. After being urged to try to look these up, she always independently pursued an answer before seeking more help. On the specifics, she made some calculation errors on deadlines, but was very receptive to feedback on these mistakes. We would not expect to see someone coming into our office to know these procedures, so she did a good job of making an effort and learning as she went.

**Oral/Advocacy Skills** SCORE =   5  

Is the student able to communicate clearly concerning legal matters? Is the student able to "think on his or her feet" and respond to extemporaneous questions? Is the student able to communicate in a manner appropriate to the particular audience (e.g., clients, supervising attorneys, staff, judges, etc.) If the student has appeared in court, how would you describe his or her demeanor and efficacy in communicating in the courtroom?

Ms. Student excels in her ability to communicate orally. She explained her research well to me and to the other attorneys in the office. She always was organized – presenting her general answer to the question and then explaining the specifics about how she reached that answer. When she discussed cases, she summarized them well, without too much detail, and could compare the facts in these cases to our case. When asked questions, she listened carefully and responded to the question asked. She appeared poised, thoughtful, and prepared when she discussed her research. She also did an excellent job of working with the clients. She really thought about her goal in a client meeting and considered the language to use to make the concepts as easy to understand as possible. She was warm and listened closely to when the client asked questions and adjusted her answers accordingly. When she explained the legal claim to the client, she had the client identify how it could benefit her, or what risks came with raising it. We have not seen many legal externs as natural and sensitive with clients, but also able to be direct about potential problems.

A. Student will still need to keep working on speaking to a judge or court. In the one time she did this, she struggled to speak up and present herself confidently. This was entirely a result of nerves and not ability. I know that as she gets more experience she will do well in court.



**Ethical Concerns** SCORE= 4

Does the student recognize ethical problems as they arise, and deal with them appropriately? Does s/he seem properly reflective concerning the ethics of judicial decision making or practice? Has s/he properly conformed with confidentiality protocols? If applicable: Is s/he able to advocate zealously on a client's behalf while operating within ethical norms?

A. Student is fine at recognizing ethical issues. A few times she did not identify potential issues at hand (for example, a possible issue with letting the client's spouse attend our meeting). She is taking her professional responsibility class, so where she had covered material, understandably, she identified issues faster. When directed, Ms. Student did a good job of going to look up the rule/s that applied and considering them. She definitely conformed with confidentiality (she did an excellent job of explaining confidentiality to a new client). And she was a zealous and client-centered advocate. As Ms. Student gains more experience, her identification of potential issues will improve as a matter of course.

**Professionalism** SCORE= 6

Has the student demonstrated maturity, good judgment and sensitivity in interactions with other staff, attorneys, judges, clients, etc.?

Ms. Student is very professional. She is incredibly receptive to feedback. She arrives on time and keeps deadlines. In the one instance that she was going to be late on a memo, she emailed ahead of time and asked if she could have more time, which was very professional way to handle it. Everyone in the office has enjoyed having her here, and I know that the clients appreciated her attention to their case, as she regularly updated them.

**Attitudes and Work Habits** SCORE= 6

Does this student seem eager to learn? Does s/he accept constructive criticism? Is s/he diligent? Have the student's attendance, punctuality, industriousness, and attention to detail been satisfactory?

As stated above, Ms. Student is very receptive to feedback. She is always asking how she can do better. When she is asked about what she could have done better (on a memo, or client interaction) she provides concrete areas that she wants to improve (i.e. my topic sentences need to be clearer) but stays positive about her abilities. Her attitude could not be better and she has been a pleasure to have in the office.

**Is there any reason that this student should not receive credit for the externship with your office? If yes, please explain.**

None.

**What advice do you have for this student regarding his/her future professional development?**

Continue to work on your research and writing. Make sure to think through each step. Consider outlining and making a topic sentence outline as you start each written assignment. Sometimes you are so diligent to finish quickly that you could have improved your analysis by taking more time at the start. While your client-centeredness is excellent, continue to think about what the other side will argue and make sure you are addressing that. Keep up your wonderful attitude and your strong consideration and respect for your clients. You are on your way to being a solid advocate.

Please discuss the content of this evaluation with the student extern. The evaluation must be completed by December 11, 2015.

<u>A. Thoughtful Supervisor</u>	<u>Nov. 20, 2015</u>
Supervising Attorney/Law Clerk or Judge	Date
<u>A. Student</u>	<u>Nov. 20, 2015</u>
Extern	Date

This form was developed and adopted for use by the Bay Area Consortium on Externships (BACE). Participating schools: Golden Gate University School of Law, JFK University College of Law, Santa Clara University School of Law, Stanford Law School, UC Berkeley School of Law, UC Hastings College of the Law, University of the Pacific/McGeorge School of Law, University of San Francisco School of Law.

**(BEST PRACTICES EXAMPLE) FINAL EVALUATION OF LAW STUDENT EXTERN**

Thank you for your support, supervision, and mentoring of a law student. Your candid evaluation of this student is much appreciated. Please provide specific examples and enough detail to inform the student and instructor of the student's progress in the specific areas noted in the following final evaluation. If an area is not applicable, please explain the reason in the comments box.

Please **type** in Word or **print** clearly; submit this form either by email to [sderian@ggu.edu](mailto:sderian@ggu.edu) as MS WORD, ADOBE PDF scanned document, OR submit via fax to (415) 543-6680.

Please discuss the content of this evaluation with the student before, or promptly after, completing the evaluation.

**Student Extern Name:** Z. Student (who is overly conclusive)

**Name of Clinic Course:** \_\_\_\_\_ **Semester/Year:** Fall 2015

**Supervising Attorney(s):** \_\_\_\_\_

**Clinic Placement Location (Company/Facility Name):** \_\_\_\_\_

**Scope of Responsibilities:** Has the extern's range of tasks and responsibilities changed significantly since the mid-term evaluation? Comments:

The responsibilities are largely the same. He has been doing client intakes, writing memos for the staff attorneys, and participating in settlement conferences and court hearings where possible.

**INSTRUCTIONS: Please score the extern using the following scale (use one whole number per area; do not use decimals or variations of #s such as "3.5" or "4-5" as ratings):**

1 = Unacceptable	Performance consistently fails to meet minimum expectations.
2 = Needs Improvement	Performance occasionally falls short of minimum expectations.
3 = Satisfactory	Performance meets minimum requirements; no evidence of particular strength or serious deficiency.
4 = Good	Performance meets expectations, competent.
5 = Excellent	Performance effective and strong, frequently beyond expectations.
6 = Outstanding	Performance consistently and significantly above expectations, on par with an entry level attorney.

**Research and Analytical Skills** SCORE = 4

Is the student able to bring his or her knowledge of legal principles to bear in analyzing cases? Is s/he able to recognize and properly identify legal issues in case fact patterns? Has s/he shown creativity in turning facts to legal advantage? Is s/he able to distinguish relevant from tangential issues? Is the student skilled with utilizing both computer and print resources?

Mr. Student has a strong ability to issue spot. He has done a number of intakes where he can spot the main issues, and knows what facts apply to these so is able to follow-up well in the client intakes to obtain all needed information. Once he sees the potential issues, however, he always quickly develops an opinion about of the claim will succeed or fail without doing all of the necessary research. We have discussed this tendency and he agrees that he needs to slow down and see what courts have done in the past – and not base his opinion on what he thinks or believes the outcome should be.

**Writing Skills** SCORE =   4  

Does the student use proper grammar, spelling, (syntax?), and citation format? Does the student appreciate the differences in style among the different forms of legal writing (e.g. analytical for memoranda, argumentative/advocative for motions/pleadings)? Is the student's work well organized, concise, and clear?

Mr. Student has good organizational writing skills. He follows CREAC and sets up his discussion logically. He is able to identify what facts are important and to exclude non-relevant facts. His fact sections are clear and have good flow. However, Mr. Student is overly conclusive in his writing. In talking about prior cases, he often states the holding and facts, but does not spend enough time explaining the court's reasoning for the decision. When looking at our case, he applies the rule to our client and reaches a clear conclusion. But this conclusion is often followed by a list of our facts. He doesn't link the facts to the law (by analogies or using the rule language again). We have discussed this and he thinks he makes this mistake because he thinks his reasoning is obvious and he doesn't want to be repetitive, but I have explained he must walk the reader through each step/connection. While his form is good, and his citations are excellent, Mr. Student's work always has some typos and/or grammar errors. He needs to finish and take time to check over his work before turning it in.

**Legal Knowledge** SCORE =   5  

Has the student demonstrated adequate familiarity with basic concepts of applicable law and procedure? Is the student adept at grasping legal problems and at fashioning solutions to them independently? Have you seen progress in these areas? Please discuss specific examples.

Z. Student's legal knowledge is strong. He learned many of the issues before our clients quickly. He understood the trajectory of the cases after seeing one through, and is able to apply the legal bases used for his first clients to these later ones. When new issues arise, he is good at identifying that he needs a solution. He often reaches this solution too quickly and definitively, without thinking it fully through. When pushed, he will see that the issue often is more complicated/nuanced than he first thought.

**Oral/Advocacy Skills** SCORE =   4  

Is the student able to communicate clearly concerning legal matters? Is the student able to "think on his or her feet" and respond to extemporaneous questions? Is the student able to communicate in a manner appropriate to the particular audience (e.g., clients, supervising attorneys, staff, judges, etc.) If the student has appeared in court, how would you describe his or her demeanor and efficacy in communicating in the courtroom?

Mr. Student is eager to be in court, and to present at staff meetings. He is confident, poised, and does not hesitate to offer his thoughts and opinions. These traits will serve him well as he gains more experience. With supervisors, he needs to keep working on listening to questions about his analysis/research/case and answering the question asked. He often is so eager to answer that he doesn't fully listen to the question, or doesn't fully understand what is being asked. With clients, he is very welcoming and friendly. But once questions start he is often more focused on the questions he has to ask than on what the client is saying. He needs to keep working on letting the client give their full story and on noticing moments where the client has more to say or hesitation about an issue, to identify the non-obvious client goals. He is very good at follow-up with clients, but often at the expense of rapport as he has, once or twice been so excited to follow-up that he has interrupted a client who is speaking.

**Ethical Concerns** SCORE= 5

Does the student recognize ethical problems as they arise, and deal with them appropriately? Does s/he seem properly reflective concerning the ethics of judicial decision making or practice? Has s/he properly conformed with confidentiality protocols? If applicable: Is s/he able to advocate zealously on a client's behalf while operating within ethical norms?

In several instances, Z. Student identified potential ethical issues with cases. He impressed everyone in the office by stating the rule that applied and then walking through his thoughts on the issue. As with all new attorneys, he is still working on seeing both sides of these issues. He needs to continue to work on his client-centeredness, which this office considers to be an ethical component of representation. He is incredibly zealous, but often wants to pursue what he thinks is the winning strategy without thinking about consulting with the client, or that the client is the person who needs to consider how that strategy interacts with all of their goals (not just winning the law suit).

**Professionalism** SCORE= 5

Has the student demonstrated maturity, good judgment and sensitivity in interactions with other staff, attorneys, judges, clients, etc.?

When he is here, Z. Student is professional. He dresses professionally, performs the tasks that were asked of him and is courteous to all. He is very willing to accept feedback and is always asking to learn more, and he presents as very eager to improve overall.

**Attitudes and Work Habits** SCORE= 3

Does this student seem eager to learn? Does s/he accept constructive criticism? Is s/he diligent? Have the student's attendance, punctuality, industriousness, and attention to detail been satisfactory?

On one hand, Z. is very eager to learn and willing to accept critique (as mentioned above). Though he has not always applied these suggestions in his next assignment, it appears overall that he trying to improve. He sometimes simply acts so quickly that he doesn't think first.

On the other hand, the score here is lower because we had two issues where Z did not abide by a time line. While generally he works very quickly, he missed two deadlines for intake summaries and did not inform the supervisor that he was going to be late. These delays (both of which happened in one week) caused some issues and the supervisor had to track him down for the information and then act quickly to protect the clients' interests. While these instances likely occurred because Z was simply overwhelmed with other school responsibilities, he needs to communicate clearly about any delays in the future. We discussed this, and he understands and it did not reoccur after the instances (in the middle of the semester).

**Is there any reason that this student should not receive credit for the externship with your office? If yes, please explain.**

No, he should receive full credit.

**What advice do you have for this student regarding his/her future professional development?**

You have strong analytical abilities and are a zealous advocate. Be sure to make a timeline to pace yourself. This should happen both so you take your time to write/think and so you don't end up without time to finish an assignment. We all have to work on time management, but make this a priority. And keep working on seeing both sides to an argument. The best advocates know the other side's position in and out. That said, your zealousness will serve your clients well in the future. We appreciated your work this semester.





### **How to Give Negative Feedback Bibliography**

Beryl Blaustone, *Teaching Law Students to Self-Critique and to Develop Critical Clinical Self-Awareness in Performance*, 13 *Clinical Law Review* 143 (2006).

Sarah Green Carmichael, *Everything You Need to Know About Giving Negative Feedback*, *Harvard Business Review*, June 2014, available at <https://hbr.org/2014/06/everything-you-need-to-know-about-negative-feedback/>.

Douglas Stone, Bruce Patton & Sheila Heen, *Difficult Conversations: How to Discuss What Matters Most* (2010).

Douglas Stone & Sheila Heen, *Thanks For the Feedback* (2014).

Sheila Heen and Douglas Stone, *Find the Coaching in Criticism*, *Harvard Business Review* (Jan.-Feb. 2014).

Joseph Folkman, *The Best Leaders Can Give: Honest Feedback*, *Forbes* (Dec. 19, 2013), available at: <http://www.forbes.com/sites/joefolkman/2013/12/19/the-best-gift-leaders-can-give-honest-feedback/>.

Joseph Falkman, *Does Gen Y Really Want Honest Feedback?*, *Forbes* (May 22, 2014), available at: <http://www.forbes.com/sites/joefolkman/2014/05/22/does-gen-y-really-want-honest-feedback/>.

Katty Kay & Claire Shipman, *The Confidence Gap*, *The Atlantic* (May 2014), available at: <http://www.theatlantic.com/magazine/archive/2014/05/the-confidence-gap/359815/>. This article is not about giving feedback specifically, but discusses gender differences in confidence, how people present themselves at work, and how they respond to feedback. Thus, the information in the article may shape how feedback is best given to different individuals.

Susan McClellan, *Externships for Millennial Generation Law Students: Bridging the Generation Gap*, 15 *CLINIC L. REV.* 255 (2009), at <http://digitalcommons.law.seattleu.edu/faculty/157>.

Jason Palmer, *The Millennials are Coming!: Improving Self-Efficacy in Law Students through Universal Design in Learning*, 63 *Clev. St. L. Rev.* 675 (2015).

Bruce Tulgan, *Not Everyone Gets a Trophy: How to Manage Generation Y* (2009).

**MEMBER SCHOOLS – WEB ADDRESSES AND CONTACT LIST**

**Golden Gate University School of Law**

<http://www.ggu.edu/externshipclinics>

***Brittany Glidden***

*Assistant Professor and Director of Externship Program  
Golden Gate University School of Law  
536 Mission Street  
San Francisco, California 94105  
[bjglidden@ggu.edu](mailto:bjglidden@ggu.edu) / 415-442-6698*

**JFK University College of Law**

<http://www.jfku.edu/Programs-and-Courses/College-of-Law/Law-Clinical-Opportunities.html>

***Ora Prochovnick***

*Professor of Law and Director of Clinical and Public Interest Law Programs  
JFK University College of Law  
100 Ellinwood Way  
Pleasant Hill, CA 94523  
(925) 969-3356 / [oprochovnick@jfku.edu](mailto:oprochovnick@jfku.edu)*

**Santa Clara University School of Law**

<http://law.scu.edu/apd/externship.cfm>

***Sandra "Sandee" Magliozzi***

*Associate Dean for Experiential Learning*

*Clinical Professor of Law  
Santa Clara University School of Law  
500 El Camino Real  
Santa Clara, CA 95053-0448  
(408) 554-5015 / [smagliozzi@scu.edu](mailto:smagliozzi@scu.edu)*

***Thiadora Pina***

*Assistant Clinical Professor of Law  
Assistant Director, Externship Program  
(408) 551-1609 / [tpina@scu.edu](mailto:tpina@scu.edu)*

**Stanford Law School**

<http://www.publicinterestlaw.stanford.edu>

***Jory Steele***

*Director of Pro Bono and Externship Programs  
Lecturer in Law  
John and Terry Levin Center for Public Service and Public Interest Law  
559 Nathan Abbott Way  
Stanford, CA 94305-8610  
(650) 725-7909 / [jsteele@law.stanford.edu](mailto:jsteele@law.stanford.edu)*

**University of California, Berkeley School of Law**

<http://www.law.berkeley.edu/179.htm>

***Sue Schechter***

*Director, Field Placement Program  
UC Berkeley School of Law  
489 Simon Hall  
Berkeley, CA 94620-7200  
(510) 643-7387 / [sschechter@law.berkeley.edu](mailto:sschechter@law.berkeley.edu)*

**University of California, Hastings College of the Law**

<http://www.uchastings.edu/academics/clinical-programs/Externships/index.php>

***Mai Linh Spencer***

*Visiting Clinical Professor  
Academic Director, Lawyers for America  
Faculty Supervisor, Legal Externship Program  
UC Hastings College of the Law  
200 McAllister Street  
San Francisco, CA 94102  
(415) 565-4743 / [spencerm@uchastings.edu](mailto:spencerm@uchastings.edu)*

***Nancy Stuart***

*Clinical Professor of Law  
Associate Dean for Experiential Learning  
(415) 565-4620 / [stuartn@uchastings.edu](mailto:stuartn@uchastings.edu)*

***Joanna Weinberg***

*Senior Lecturer, Judicial Externships  
UC Hastings College of the Law  
(415) 565-4694 / [weinberg@uchastings.edu](mailto:weinberg@uchastings.edu)*

**University of the Pacific, McGeorge School of Law**

<http://www.mcgeorge.edu/x1915.xml>

***Colleen Truden***

*Director, Field Placement Program, Lecturer in Law  
University of the Pacific McGeorge School of Law  
3200 Fifth Avenue  
Sacramento, CA 95817  
(916) 340-6104 / [ctruden@pacific.edu](mailto:ctruden@pacific.edu)*

**University of San Francisco School of Law**

<http://www.usfca.edu/law/clinicexternships/>

***Nira Geevargis***

*Assistant Professor and Director  
University of San Francisco School of Law  
2130 Fulton Street  
San Francisco, CA 94117  
(415) 422-4467 / [nageevargis@usfca.edu](mailto:nageevargis@usfca.edu)*

## Notes