

# Tips on Effective Supervision and Training of “Generation Y” Externs – *i.e., Our Next Generation of Attorneys!*

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# *Why should we be talking about externs' supervision and training?*

- Legal education = Professional education
- Focus on experiential education increasing
  - ABA Standards' "Professional Skills" requirement
  - Carnegie Foundation's 2007 seminal report on legal education
  - ABA Journal, July 2007, at 42 -- "Re-engineering the J.D.: Schools Across the Country Are Teaching Less About the Law and More About Lawyering"

# *Why should we be talking about externs' supervision and training?*

- The Carnegie Report, at 9 -- “The task of professional education is to facilitate novices’ growth . . . to act with competence, moving toward expertise.”
- “In order to do this, students need access to forms of social interaction that embody the basic understanding, skill, and meaning that, together, make up the professional activity.”
- The apprenticeship model of the past provides useful lessons for legal education today.
- Advocates adoption of a 3-part integrative approach to legal education:
  - Legal analysis
  - Practical skills
  - Professionalism



# *Why should we be talking about externs' supervision and training?*

**Externships play a vital role in the education of law students . . .**

- **Providing Legal Education:**

Off-campus externships offer great educational opportunities for law students – to learn doctrine, skills & professionalism

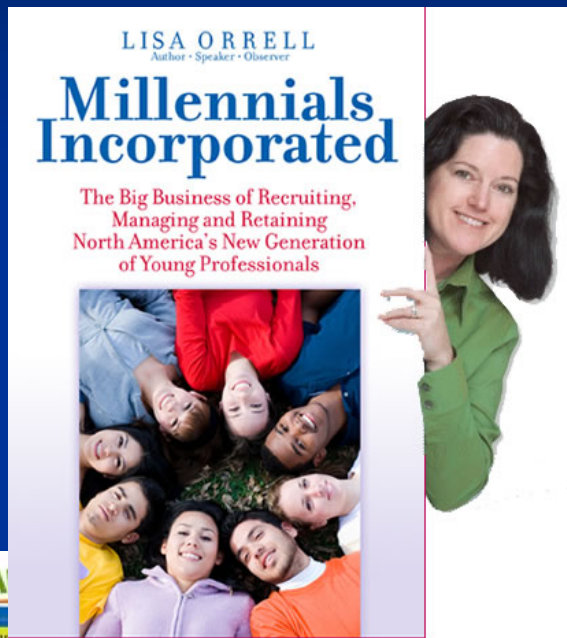
- **Getting Acquainted and Acclimated:**

Externships also offer a great opportunity for legal professionals and future lawyers to get acquainted and to get used to each other – and learn to connect/work across generational lines

# *And . . . what is special about “Gen Y” law students???*

- LOTS!
- And . . .
  - Gen Y will be a large part of the workforce
  - Gen Yers arguably have different traits than those of us currently in the workforce
  - Gen Yers “in the workforce” is becoming the subject of many discussions, publications, etc.

# “Gen Y” – hot topic . . .



## Federal government!

The Federal Consulting Group, within the U.S. Department of the Treasury -  
<http://www.fcg.gov/millenn.shtml>

## Conferences – for example,

USC Marshall School  
May 2, 2008

The Millennial Generation: Revolutionizing the Enterprise Workplace  
<http://www.marshall.usc.edu/ctm/networking/undi-insighter-may-2008.htm>

## Media – for example,

CBS News – 60 Minutes  
May 25, 2007

“The ‘Millennials’ Are Coming”  
Morley Safer On The New Generation Of American Workers  
<http://www.cbsnews.com/stories/2007/11/08/60minutes/main3475200.shtml>



- *So, in our roles as teachers/ supervisors of the next generation of attorneys, it's a good idea to*
  - *get to know Gen Y law students AND*
  - *reassess how we train and supervise them*

# *And . . . Empirical studies tell us the importance of hands-on training*

- “After the JD” Study, the first national, longitudinal study of lawyers’ careers in the U.S.
- Tracking prof'l lives of 5,000+ lawyers nationwide during first 10 years after law school
- First phase tracked attorneys who became lawyers in 2000, couple of years into their practice
- On a scale of 1 (not at all helpful) to 7 (extremely helpful), this is how the respondents rated their law school experiences in helping them transition to practice:

Experience	Mean	Median
Legal employment during summers	5.48	6
Legal employment during school year	5.04	6
Clinical courses	4.81	5
Legal writing	4.75	5
Internships	4.48	5
Upper-year lecture	4.26	4
Course concentrations	3.97	4
First-year curriculum	3.81	4
Legal ethics	3.28	3
Pro bono	3.15	2.5

# *The importance of hands-on training . . .*

- Fair to make some general inferences:
  - immersion into the real world legal setting can be a worthwhile educational experience;
  - practitioners can be valuable teachers; and
  - law students can learn well on the job.

# *The importance of hands-on training . . . especially for Gen Y externs*

- Commenting on the findings of After the JD, the Carnegie Report, at 195, notes: “It is very important, then, to bring these experiences [i.e., the employment experiences] into the educational program in intentional ways.”
- **Externships are a great model for doing this, specifically when supported by well-informed supervisors!**
  - ***Especially given Gen Y traits, hands-on training in the real world of legal practice is critical to effective legal education***
  - ***And particularly for teaching professionalism (including given the importance of teaching ethics through hands-on experience)***

*And YOU play such a big role in training so many of our future attorneys!*

Annual number of externs from  
GLACE schools:

**Approximately 1100!**

# *So, what's helpful to know?*

- Who is part of Generation Y, and what are the traits of this generation?
- How best to train and supervise Gen Y externs, given these traits?

## *And, of course . . .*

- We're talking about averages and generalizations
- Not every Gen Y student has the generational traits
- And not every law student is a member of Gen Y

*But . . .*

- It's important to educate ourselves about our next generation of attorneys!

*Who is part of Generation Y, and what are  
the traits of this generation?*

# *Who are the Gen Yers?*

## *(also known as the Millennials)*

### Generational Ages in 2008

- Silents – 66-83
- Boomers – 48-65
- Gen X – 27-47
- Millennial – app. 26 and younger
  - Generation marked by (app.) birth year of 1982 (and not yet cut off)

# *Gen Y traits*

## *(Howe & Strauss)*

- **SPECIAL** (“older generations have inculcated in Millennials the sense that they are, collectively, vital to the nation and to their parents’ sense of purpose”)
  - Every one is a winner
  - College orientation/service to parents
- **SHELTERED** (child-safety rules; youth-protection movement; “helicopter parents”)
  - Naïve about real world
- **CONFIDENT** (“With high levels of trust and optimism -- and a newly felt connection to parents and future -- Millennials are equating good news for themselves with good news for their country”)
  - Boundless opportunities for the “Sunshine Generation”

# *Gen Y traits*

## *(Howe & Strauss)*

- **TEAM-ORIENTED** (group most important)
  - Rapid and frequent communications
- **CONVENTIONAL** (comfortable with parents' values; see value in rules)
  - Seek norms and structure
- **PRESSURED** (“Millennials feel a ‘trophy kid’ pressure to excel”)
  - Their own ambitions place pressure on them
  - Always “moving, busy, and purposeful”
- **ACHIEVING** (value society's rewards)
  - Strive for achievement
  - “widening torrent of grades, stars, trophies, buttons, ribbons”

# *Twenge on “Gen Me”*

Generation Me: Why Today’s Young Americans Are More Confident, Assertive,

Entitled – and More Miserable Than Ever Before

- A generation of young adults who’ve grown up with the **belief that self-esteem is more important than achievement** and that they can attain every dream
- “childhoods of **constant praise, self-esteem boosting, and unrealistic expectations . . .**”
- “Many teachers and social observers say [that this approach] results in kids who **can’t take criticism**. In other words, **employers, get ready** for a group of easily hurt young workers.”
- When it comes to working, these young adults **“will learn best by doing.”**

# *NALP chimes in . . .*

- Gen Y students' self-assessment is informed by:
  - **“Everyone is exceptional; grade inflation is the norm; egos have been massaged; unaware of real talents and strengths; [and] not accustomed to being criticized.”**

Paula Patton, then CEO and President, The NALP Foundation, Keynote Address, *New Generation Lawyers and Their Impact on a Generations-Old Profession*, at the Southwestern Law School Law Review Symposium: The After the J.D. Project and Urban Legal Careers (October 9, 2006)

# *NALP chimes in . . .*

- Young adults' life experiences have been greatly influenced by the impact of having
  - “helicopter parents,” “under-involvement in decision-making; little or no experience with self-advocacy; lack of self-reliance; [and] inexperience[] in managing personal time.”

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# *Anecdotal accounts about Gen Y law students . . .*

- “This externship isn’t at all what I expected. I’m just left on my own to complete the assignments so much of the time. I’m not sure how to do them. I think I might catch a flight home and try a different externship or course.”  
(Same student flipped 180 degrees the following week and loved it. Supervisor spent more time with her.)
- “I called you and you didn’t get back to me for 24 hours.”
- Email from prof. on the Legal Writing Institute Discussion List: “My Mommy and Daddy Say You're Wrong!! How Would You Respond?” The student had emailed the prof. and copied his parents, both attorneys, and in an email full of all sorts of errors, complained about his writing grade, noting his parents’ praise for his paper. Fifty-one sympathetic replies followed from other profs.

# *Anecdotal accounts about Gen Y law students . . .*

- “I have to miss class today. Please send all pertinent information.”
- “I met with my supervisor today about the first memo I submitted and he tore it apart. He didn’t like the way I stated the facts in the analogous cases. He said I missed some points. He even criticized my colons and semicolons, which I know how to use.”
- Student upon learning that a FT federal judicial externship (which he should’ve been very happy to have gotten!) requires 40 hours/week: astounded that he actually had to clock in 40 hours every week for the entire semester.

*How best to train and supervise Gen  
Y externs, given these traits?*

# *Before getting to the tips, we want you to know that . . .*

- We -- the Law Schools and the Externship Programs -- teach to the points that we are sharing with you.
  - For example, Southwestern has increased its focus on professionalism in a number of ways -- e.g.,
    - Professionalism is a component of our first-year Legal Analysis, Writing & Skills course
    - Also, increased focus on professionalism through the Externship Program orientation and academic component
  - Topic of discussion among GLACE schools -- being addressed by the various schools

*Sheltered. . .Special. . .Confident (unaware of real strengths). . .Sensitive to criticism. . .Need praise. . .Team player/group-focused. . .  
Used to rapid & frequent communications. . .*

- The extern may be challenged by the need to: (1) Keep to a set schedule and weekly time commitment (given classes and other demands); and (2) Follow the office etiquette and protocols
  - Recognize that the externship is probably the law student's first professional (legal) experience
  - Orient the student to the externship at the time of the interview and more extensively when he/she starts
  - Provide a structured orientation, acclimation into the office, reviewing schedule/hours' requirements; office etiquette and protocols; confidentiality rules; etc.
  - Share personal stories of your experiences of first time in the real world of legal practice as an extern or an attorney

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- The extern may feel lost without clear assignments and guidance
  - Provide clear goals and context for assignments
  - Ask the extern to email you to repeat back the assignment (including due date; form of reporting back to you; scope of research, etc.)
  - Provide samples

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- The extern's formal written communications may not be among strengths
  - Provide examples of good writing, explaining what makes these examples effective
  - Provide structured and regular feedback on written work
  - (Covered in “**Tips on Effective Critique of Written Work**” -- to follow)

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- The extern may not be so comfortable making decisions on her/his own
  - Help in prioritizing assignments
  - Teach time management
  - Emphasize that part of a legal professional's job is to make "predictions," advise clients re decisions, etc. Group/team work is great but sometimes the individual attorney needs to make a call on his/her own!
  - Explain that developing solid professional judgment takes time

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Used to rapid & frequent communications. . .*

- The extern may need some direction vis a vis nature of relationship with supervisor.

Please explain to your extern:

- Your preference for formal or informal communications
- That the supervisor is acting as a teacher to the extern but also has professional responsibility to the client/the office
- That lack of immediate response or praise from supervisor does not mean disapproval
- That it is good practice to think through issues on own before asking the supervisor for guidance, and when meeting with the supervisor, come prepared and act professionally!

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Used to rapid & frequent communications. . .*

- The extern may not have a good sense of strengths and areas that need improvement, AND may be sensitive to criticism
  - Discuss the importance of self reflection and self assessment to developing as a professional
  - Provide regular feedback – addressing strengths first and then needed improvement
  - Use the GLACE Supervisor Evaluation Form (or your internal process) to provide formal, candid and constructive feedback to student half-way through externship period

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Used to rapid & frequent communications. . .*

- The extern may not have a good sense of strengths and areas that need improvement, AND may be sensitive to criticism (*cont'd*)
  - ★ Emphasize that they are no longer just in the role of a student but a *legal professional-in-training*. So, no longer a question of whether good student or bad student, good grades or poor grades. Rather, they are assuming a professional responsibility and their work and efforts have real effects on real people.

# *The Prof'l Responsibility Angle:*

- Helpful to effective training of externs
- *AND*, an effective way of teaching ethics -  
- i.e., through real world examples
- (Covered in “**Practical Ethics for Externship Supervisors**” -- to follow)

# *Some thoughts about (sample) areas of prof'l responsibility to cover with your externs*

- *Duty to act competently -- e.g.,*
  - The importance of knowing what you don't know
  - The importance of thorough research and effective communication (e.g., the research memo has to make sense! The P&A has to be persuasive!)
  
- *Unlawful practice of law -- e.g.,*
  - Know your limits and scope of authority
  - When communicating with the court, client, opposing counsel, etc., always disclose role as extern

## *Some thoughts about (sample) areas of prof'l responsibility to cover with your externs*

- *Confidentiality -- e.g.,*
  - Exercising utmost discretion not to disclose any non-public information learned through the externship
  
- *Conflict of Interest (including the appearance of) -- e.g.,*
  - Externing for the court: What to do if you know one of the attorneys, parties, witnesses

# Key Sources:

- Neil Howe & William Strauss, Millennials Go to College (2007)
- Neil Howe & William Strauss, Millennials Rising (2000)
- Roy Stuckey, et al., Best Practices for Legal Education (2007)
- William M. Sullivan, et al., Educating Lawyers: Preparation for the Profession of Law (2007)
- Jean M. Twenge, Ph.D., Generation Me: Why Today's Young Americans Are More Confident, Assertive, Entitled – and More Miserable Than Ever Before (2006)
- Ronit Dinovitzer, et al., *After the JD: First Results of a National Study of Legal Careers* (2004), <http://www.nalpfoundation.org/webmodules/articles/anmviewer.asp?a=87&z=2>
- Anahid Gharakhanian, *ABA Standard 305's "Guided Reflections": A Perfect Fit For Guided Fieldwork*, 14 Clin. L. Rev. 61 (fall 2007)
- Jill Schachner Chanen, *Re-engineering the J.D.: Schools Across the Country Are Teaching Less About the Law and More About Lawyering*, ABA Journal, July 2007, at 42
- Susan McClellan, Externship Program Director at Seattle University School of Law, "Externships for Millennials: Timing and Supervision" presentation at the Externships4 National Conference, Seattle, WA, February 15-16, 2008

*Thank you for all  
you do . . .*

**Our students love their  
externship experiences, and value  
your role as teachers.**

# *Thank you for all you do . . .*

- "This was the best thing I've done in law school. My writing improved tremendously, I developed skills that have helped me at other jobs, and I left the externship with lasting relationships." *Judicial Extern.*
- "Law school made me not want to practice law[;] the externship confirmed that it's the right profession for me." *Los Angeles District Attorney's Office extern.*
- "I am very happy to be finally doing real legal research and writing motions for the first time. The work I am doing is important." *Orange County Public Defender's Office Extern.*

# *Thank you for all you do . . .*

- “My supervisors are nothing short of fantastic. I appreciate my externship everyday because I work under such intelligent and kind people.” *U.S. Bankruptcy Court Extern.*
- “Recently a client called me back, after using some of my suggestions, and told me he was very glad he had called our office. It was the first time that I actually felt that I was making a difference in people’s lives.” *Extern for the Fair Housing Council of Orange County.*
- “I was surprised at how many different issues I have gotten to work with. From Constitutional claims to civil procedure, the ability to have practical experience in the field has been fabulous.” *Extern for the California Attorney General's Office, Business and Tax Division.*

# *Thank you for all you do . . .*

- “My supervisor’s guidance and instructions were clear, they were helpful in their feedback, and accessible to me. They delegated sufficient responsibility and independence to enable me to have a meaningful learning experience.” *In-house entertainment company extern.*
- “When I started my externship I expected to work hard and to end up with something great to put on my resume, but I had no idea how much I would learn and how the experience would change my perspective on the law and the world.” *Judicial extern.*
- “I learned as much in the eight weeks as I did in [my classes]. It is an incredible experience.” *Judicial extern.*

# *Thank you for all you do . . .*

- “I was not sure whether I wanted to be an attorney, but after working with the clients represented by Public Counsel I know that I will be happy with a career as a practicing attorney.” *Public Counsel extern.*
- “The fact that my supervisors have assigned me such weighty and important tasks makes me feel as though they have confidence in my abilities, and I am learning a lot by working on substantive assignments.” *Extern for the Department of Justice, Office of the U.S. Trustee.*