



# STUDENT GUIDE TO CLINICAL EXTERNSHIPS

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2009-2010

Office of Clinical and Pro Bono Programs  
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## PROFESSIONAL RESPONSIBILITY AND CONFIDENTIALITY

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Welcome to Harvard Law School's Clinical Legal Education Program. Through your clinical externship, you will have an opportunity to gain practical skills and engage in the critical process of reflecting on the legal system, your values, and your development as an attorney. This guidebook will provide insight into the processes of supervision and reflection, as well as outline your responsibilities and requirements as a clinical student. The Supervision section addresses your role in creating an effective supervisory relationship.

The Office of Clinical and Pro Bono Programs looks forward to working with you as you begin your professional development through participation in a clinical. If you have any questions or concerns, or if you would just like to talk about your clinical experiences, including counseling and problem solving, please contact our office:

For independent clinicals: Elaine McArdle  
Communications Director  
Office of Clinical and Pro Bono Programs  
617-384-9940  
emcardle@law.harvard.edu

For all other externships: Liz Solar  
Assistant Director of Externships  
Office of Clinical and Pro Bono Programs  
617-495-3765  
esolar@law.harvard.edu

### **Professional Responsibility**

As a clinical student, you are acting as a student attorney and as such have certain professional responsibilities to which you must adhere. The Massachusetts Rules of Professional Conduct (found at <http://www.mass.gov/obcbbo/rpnet.htm>), or the rules or codes of the particular jurisdiction of your placement, apply to you. Please make sure that you are familiar with these rules and can access them during the semester. When questions or problems arise, there are many resources available to you, including your supervisor and the Office of Clinical and Pro Bono Programs.

### **Confidentiality**

The majority of students enrolled in a course for clinical credit are working in a law office environment, practicing under a special court rule. Because of this, you are bound by the same "attorney / client" confidentiality rules as staff at each placement site.

While most clinical placements will address confidentiality issues with you, please feel free to raise any questions or concerns you may have with your direct supervisor, someone at your placement site or with the Office of Clinical and Pro Bono Programs. Many of the organizations that sponsor clinical students, such as the US Attorney's Office, have very strict standards, which will be reviewed at the start of the semester.

## *Professional Responsibility and Confidentiality, Continued*

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We recommend the following as a starting point for dealing with client confidentiality:

- At all times, you must **assure the client** that all matters discussed relating to his or her legal problem and all written materials relative to the client or case are confidential. This also applies to potential clients you interview who are seeking legal advice.
- At the beginning of your clinical work, **discuss any potential conflicts of interest with your supervisor**, including any prior knowledge or legal work you may have accomplished on behalf of an opposing party.
- **Do not refer to a client by name, provide identifying information or talk about details of the case** in common areas of the office (reception area, hallway, elevators) where other clients or visitors may overhear you. This same rule applies when you are outside of the office (at a local restaurant), or when you're in a law school setting such as a class. Although we encourage the integration of clinical work into the classroom, you must never write a law school paper or exam, or provide your professor with case file documentation, containing the client's name or other identifying information about the case or client. Please be sure all identifying information is deleted prior to submission of your reflection essays, etc.
- **Handle case files carefully** to avoid breaching client confidentiality. Whenever possible, case files and case-related documents should be kept in a filing cabinet -- not on a desktop, where confidential information could be viewed by anyone walking by.

## STUDENT PRACTICE RULES

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### **Unauthorized Practice of Law**

You must not identify yourself as an attorney or give the impression to clients that you are an attorney, even though you have all the responsibilities and obligations of an attorney. Always advise clients and others that you are a law student. If someone mistakenly refers to you as an attorney or otherwise indicates that they think you are an attorney, you must clarify that you are a student.

### **Student Certification**

If court appearances are required for your clinical work, you will need to be certified to practice. You should contact the Office of Clinical and Pro Bono Programs to determine if you are eligible for student certification and to request a certification request letter from HLS to the court. There are different certification requirements depending on if work involves civil or criminal matters, if you are a second- or third-year students, and if the case is in state or federal court. **In addition to the requirements outlined below, you must be in good standing with the university and have fulfilled all registration requirements, including having enough completed credits to be considered a 2L or 3L.** If you are eligible, the Office of Clinical and Pro Bono Programs will arrange for your certification. You will not be able to appear in court until you have received a copy of your certification letter. Requesting certification takes approximately 1-2 weeks.

Student Practice in Civil Cases, State Courts - Under Supreme Judicial Court Rule 3:03, second and third-year law students in a clinical program may be certified to appear in the courts of Massachusetts on behalf of indigent clients in civil matters. You must have completed, or be concurrently enrolled in, a course for credit in evidence or trial practice.

Student Practice in Criminal Cases, State Courts - Under Supreme Judicial Court Rule 3:03, only third-year law students in a clinical program may be certified to appear in the Massachusetts courts in criminal matters on behalf of the Commonwealth or on behalf of indigent clients. You must have completed, or be concurrently enrolled in, a course for credit in evidence or trial practice.

Student Practice in Federal Courts - Under U.S. District Court Rule 83.5.1(b) for student practice, second or third-year law students may appear in civil proceedings when participating in a law school clinical instruction program under the supervision of a member of the district bar. In addition to the certification letter the Clinical and Pro Bono office will produce for students on behalf of the dean of the school, students must also file with the court a certificate adhering to the rules of professional conduct and a document signed by the client authorizing the student to represent said client. Students must have completed, or be concurrently enrolled in, a course for credit in evidence or trial practice. For criminal proceedings, students must have completed a course for credit in criminal procedure. Any student who needs federal certification for their clinic is required to make a request with Karina Chamorro ([kchamorro@law.harvard.edu](mailto:kchamorro@law.harvard.edu)) of the Clinical and Pro Bono office at least 2 weeks in advance.

## WORKING WITH YOUR SUPERVISOR

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You can play a major role in shaping your own clinical experience by developing a solid working relationship with your supervisor that will enable you to communicate openly and honestly. We require that you have a meeting with your supervisor at the beginning of your clinical work where you create a “workplan” for the semester. Discuss your goals and expectations with your supervisor and determine, with as much specificity as possible, your work assignments for the semester. (Note: Appendix B outlines the supervision guidelines provided to your supervisor by the Office of Clinical and Pro Bono Programs)

### Weekly Meetings

It is recommended that you and your supervisor set a schedule of weekly meetings for the semester. Regular meetings will provide you with an opportunity to discuss assignments, seek clarifications, ask questions, review work product and discuss other aspects of your clinical work. In these meetings, your supervisor can provide ongoing feedback on your work that is critical to your professional development.

Be proactive and realistic in your approach to supervision. If you feel that you have an insufficient workload or would like more feedback and constructive criticism on your work product, let your supervisor know.

If at any time during the semester an issue arises that you do not feel comfortable discussing with your supervisor, please contact the Office of Clinical and Pro Bono Programs. We urge you to meet with us to discuss any problems or difficulties you may encounter during the course of your clinical work in a confidential environment:

For independent clinicals: Elaine McArdle  
Communications Director  
Office of Clinical and Pro Bono Programs  
617-384-9940  
emcardle@law.harvard.edu

For all other externships: Liz Solar  
Assistant Director of Externships  
Office of Clinical and Pro Bono Programs  
617-495-3765  
esolar@law.harvard.edu

## LONG-DISTANCE PLACEMENTS

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While local placements are preferred, the Office of Clinical and Pro Bono Programs will allow students to participate in long-distance placements under the following circumstances: 1) a winter placement with a long-distance spring clinical (i.e. Capital Punishment and Government Lawyer); 2) certain clinical courses that place students with organizations outside the greater Boston area (i.e. Sports Law); and 3) independent clinicals.

### Supervision

The hardest part of working in a long-distance placement is establishing and maintaining a good working relationship with your supervisor attorney. It is critical to focus on this early in the semester.

- **Set up an initial phone meeting during the first week of classes.** Discuss goals and expectations. This should include what you hope to learn and what skills you hope to work on during the semester, how often you will communicate, and whether it will be by phone or email. A regular communication schedule should be established. Send a follow-up email to your supervisor reiterating semester goals/expectations.
- **Regular communication:** You should be in contact with your supervisor at a minimum on a weekly basis via telephone or email. If you are not able to reach your supervisor (and an emergency has not occurred), please contact our office.
- **Assignments:** You should receive interesting and meaningful legal work. If this becomes a concern for you, please do not hesitate to contact the Clinical and Pro Bono office.
- **Mid-Semester Evaluation:** You are required to have a mid-semester evaluation telephone meeting. This is an opportunity for your supervisor to provide constructive feedback (praise and critique). This is also an opportunity to plan assignments and tasks for the remainder of the semester.

### Time Management

- **Monthly Time Log (externships only):** Students working in a long-distance placement who are not doing an independent clinical are required to maintain and submit via email a monthly time log to your supervisor and Liz Solar ([esolar@law.harvard.edu](mailto:esolar@law.harvard.edu)). An example is included in the Appendix area of this handbook and is available for download on the clinical website.
- **Clinical Hours:** You are ***required*** to fulfill your clinical hours during the semester:
  - 2 Credits = 10 hours per week or a total of 120 hours
  - 3 Credits = 15 hours per week or a total of 180 hours
  - 4 Credits = 20 hours per week or a total of 240 hours
  - Winter Term is 2 credits = 40 hours per week or a total of 120 hours
- **Weekly Emails/Reflection Essays (independent clinicals only):** Students participating in an independent clinical are required to submit weekly emails. Emails should report on what the student has been working on and reflect on the clinical experience. Weekly emails should be sent to the students faculty sponsor with a copy to Elaine McArdle ([emcardle@law.harvard.edu](mailto:emcardle@law.harvard.edu)).

## *Long Distance Placements, Continued*

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- Students participating in certain externship placements may be required to submit three reflections essays. More detailed information about what to include in these essays is available in this Handbook and on the website.

### **Administrative Support**

- **Office Space, Telephone, and Fax:** Students are welcome to use private office space with a telephone available through the Office of Clinical and Pro Bono Programs. Use of this office should be reserved through Heather Williams ( [hwill@law.harvard.edu](mailto:hwill@law.harvard.edu)). A fax machine is also available for student use.



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Please contact the Office of Clinical and Pro Bono Programs if any problems arise concerning supervision or workload/ hours issues. Since the relationships with your employer can have negative or positive long-term repercussions, we want to assist in navigating this relationship for you and other HLS students.

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## TIME COMMITMENTS

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Clinical work involves the representation of clients, requiring serious professional and academic responsibilities. At the beginning of the semester, you will set up a schedule of clinical work hours that reflects the number of credits you are receiving. One clinical credit is awarded for every five hours of clinical work per week for twelve weeks in the fall and spring semesters. The minimum number of clinical credits is 2, the maximum is 4.

2 Clinical Credits	=	Average of 10 hours of clinical work per week
3 Clinical Credits	=	Average of 15 hours of clinical work per week
4 Clinical Credits	=	Average of 20 hours of clinical work per week

For the Winter Term, credits are set at 2 and students must work full time (40 hours per week) for the three-week term. This intensive schedule is necessary for students to attain an equivalent number of clinical hours that students perform in the fall or spring semesters (a minimum of 120 hours).

For independent clinicals, credits are set at 2 in the fall, winter, and spring semesters.

### **Working On-Site**

You must fulfill all of your clinical work hours on-site at your clinical externship placement. Any exceptions or deviations must be discussed in advance with your supervisor and the Office of Clinical and Pro Bono Programs.

### **Holidays and Missed Work Days**

You are responsible for consistently working the required number of hours each week throughout the semester except for the December holidays, fly-out and spring break weeks. During these excused absences, which you should coordinate in advance with your placement supervisor, you are required to assure that all casework is covered and that clients are aware of your absence. Thanksgiving week is a regular work week and you are responsible for making up any missed days or hours worked.

If offices are closed for any local, state, or national holidays and you are unable to work at your placements, discuss with your supervisor how you can make up the missed hours in order to complete the requisite clinical hours.

Any unplanned hours missed from your weekly schedule of clinical work must be made up within a reasonable period of time on a schedule developed in conjunction with your clinical supervisor.

## REFLECTION ESSAYS

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**Most students in clinical courses are required to submit three reflection essays during the semester** (independent clinical students are not required to submit reflection essays, and instead submit weekly emails). To see if your clinical course requires reflection essays, please see the Clinical and Pro Bono website. While the essays are shared with your course instructor, they are *not* shared with your supervisor, unless they are the same person. Reflection essays are not graded. These essays provide an excellent mechanism for you to:

- Reflect on your clinical experience and how you feel about the work you are doing, and chronicle your initiation into real world law practice;
  - Gain an awareness of, and learn how to better self-evaluate, your strengths and weaknesses as a learner and as a lawyer;
  - Enhance and clarify your thought processes about legal, tactical and ethical issues and professional dilemmas;
  - Relay information to and encourage dialogue with the course instructor and the Office of Clinical and Pro Bono Programs.
- \* *Independent Clinical students do not submit Reflection Essays.*

### **Format and Confidentiality**

The first essay should describe your goals and expectations for the clinical, as discussed with your supervisor, and should outline how those goals will be met. In subsequent essays, you may discuss if and how those goals were or were not met. You should observe restrictions mandated by confidentiality and privilege when describing your work. Please delete all client names and identifying information, and note concerns about client confidentiality on a cover sheet.

Reflection essays should be 1-3 pages long and must include the following information:

- Your name
- Date of submission
- Installment number (i.e. Essay #3)
- Name of placement and clinical course

### **Submission of Reflection Essays**

Submit reflection essays (sent as a separate word document) to Liz Solar via email: [esolar@law.harvard.edu](mailto:esolar@law.harvard.edu). Liz will review your essays and may provide comments and feedback to you as necessary via e-mail. Copies will be forwarded to your course instructor for his or her review. Reflection essays are due by the deadlines listed in the Calendar section of this handbook (Appendix A)

## *Reflection Essays, Continued*

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### **Reflection Essay Topics**

Students are required to submit three reflection essays:

**1<sup>st</sup> Essay:** After meeting with your supervisor to develop a work plan of projects/cases on which you are expected to work on during the semester, please submit an essay addressing the following:

- a) The subject matter of the assignments/projects/cases on which you will work during the clinic (preserving client confidences). If not one specific subject matter, you can also address the variety of cases/projects or the skills that you hope to work on.
- b) The three duties and tasks to be performed (interviewing, legal research and writing, etcetera).
- c) Anticipated interactions with clients, courts, agencies, legislators, stakeholders, and the like, if any.
- d) The experiential and learning goals set by student and supervisor.

**2<sup>nd</sup> Essay:** This reflection essay is a status report. You **may** reflect and respond to any one of the following topics, including any questions or concerns about the clinical experience:

- a) Supervision: Evaluate your supervisor as a professional role model. Reflect on the quality of supervision, and the talents, strengths and weaknesses of your supervisor (both as a lawyer and as a supervisor).
- b) Ethical Issues: Describe ethical issues you have encountered, the strategies for their resolution, and the eventual outcome. You can write from personal experience or observations.
- c) Decision-Making: Describe your feelings about making a decision where there is no “right” answer. Write about a situation in which you, or a lawyer at your placement, made a judgment call, where there was no right answer, or where a decision was made with less data than desirable. How did you and/or the lawyer process that decision?

**3<sup>rd</sup> Essay:** Final reflection essay **may** include any of the following topics:

- a) A brief description of the project(s)/cases worked on during the clinical placement (preserving confidences).
- b) A rigorous analysis of what you have learned during the clinical including:
  - i. The policies underlying and the legal substance of the work in which you were engaged during the clinic.
  - ii. Whether and how the goals and expectations initially discussed were met.
- c) A description of any challenges you faced, how they were overcome, and what you and your supervisor could have done differently.

## INDEPENDENT CLINICAL REQUIREMENTS

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The three items below pertain only to independent clinical students. Excluding reflection essays, independent clinical students are expected to abide by all other guidelines and assignments set forth in this handbook.

### **Weekly Emails:**

Emails describing the progress of your clinical work should be sent weekly to your faculty sponsor and Elaine McArdle of the Clinical and Pro Bono office ([emcardle@law.harvard.edu](mailto:emcardle@law.harvard.edu)). Emails should report on what you have been working on and reflect on your clinical experience. Faculty sponsors are not required to respond to the weekly emails, but are encouraged to do so if they have useful observations.

### **Final Paper:**

**All independent clinical students must write an academic paper at the end of the Independent Clinical term of approximately 15 pages in length.** The paper should be an analysis of the policy and practice of the work in which you were engaged, and requires some additional research outside of the clinical work. This final paper may include a reflective component, but should not solely be a reflection paper. The paper cannot be a work product from the clinical placement, nor be an elongated progress report.

Paper topics should be discussed with your faculty sponsor, but should still be in line with the clinical guideline of an independent clinical paper.

If you need research assistance for your paper or in your ongoing clinical work, June Casey of the Langdell Library specializes in clinical and pro bono research ([jucasey@law.harvard.edu](mailto:jucasey@law.harvard.edu), 617-495-9288, Areeda 522).

Your independent clinical final paper with the Final Paper Cover Sheet must be submitted to your Faculty Sponsor and Elaine McArdle of the Office of Clinical and Pro Bono Programs (Austin 102) by the deadlines listed in the Calendar section of this handbook (Appendix A)

### **Grading**

All independent clinicals are graded Credit/Fail.

## CLOSE-OUT PROCEDURES

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### **Transfer Memos**

You should ensure that case files are updated, complete, and in good order before your clinical placement ends. In addition to advising your supervisor of the status of cases or projects, you should also write “transfer” memoranda detailing the current status of your work, documenting progress throughout the semester and indicating what needs to be done in the near future.

### **Exit Interview**

We recommend that you schedule an exit interview with your supervisor to review your transfer documentation and your final evaluation. You should also discuss any final close-out procedures your placement requires.

## EVALUATIONS AND GRADING

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Ongoing feedback and evaluation is essential in developing skills as a lawyer. Because of this, we have implemented a formal process of evaluation consisting of several components. Submission deadlines are set out in the calendar section (Appendix A) of this guide.

### **Student Evaluation (End of Semester):**

**You must complete an online Student Final Placement Evaluation at the end of the semester** to assess your placement, the supervision you received, and the value of your experience. Your experiences and opinions are extremely important to our continuing efforts to improve the quality of clinical legal education at Harvard Law School and to determine the appropriateness and effectiveness of specific placements in relation to different courses. You will help us most by being as frank, specific and constructive as possible. Your responses will in no way affect your grade, as the information reported will not be reviewed outside of our office until after the semester's grading process has been completed. The Student Final Placement Evaluation is an online evaluation accessed through the HLS Public Service Job Database <https://ldap.law.harvard.edu/jobdb>. You will receive an email from the Office of Clinical and Pro Bono Programs when the evaluation is available for you to complete. Online evaluations must be completed by the deadlines posted in the Calendar section of this handbook (Appendix A).

### **Supervisor Evaluations (Mid-Semester and Final):**

**Supervisors must complete a written mid-semester and final (end of term) evaluation** for each student in addition to the ongoing feedback and critique offered during weekly meetings. Evaluations include a comprehensive assessment of your performance, focusing on strengths, progress, and areas for further development. Each evaluation must be signed by you and your supervisor. A copy will be given to you, the course instructor or faculty sponsor, and a copy will be kept in your permanent academic file in the Office of Clinical and Pro Bono Programs.

### **Supervisor Recommended Clinical Grade (End of Semester):**

**Supervisors must submit a recommended clinical grade at the end of the term.** The recommended grade is based on your work and progress throughout the semester, and the two written evaluations. It is important that mid-semester evaluations are detailed and thorough in order to provide the basis for the recommended clinical grade. At the beginning of the semester, supervisors will be notified of the clinical grading policy (letter grade or credit/fail) as selected by the course instructor. A clinical grade sheet will be provided to supervisors to record the recommended clinical grade.

**APPENDIX A:**  
**2009-2010 Clinical Academic Calendar**

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Wednesday,	September 2	- Fall classes begin (2L/3L/LLM)
Friday,	September 4	- Fall clinical add/drop ends, fall clinical waitlist processing ends - Fall independent & continuing clinical applications due
Monday,	September 7	- Holiday (Labor Day)
Tuesday,	September 8	- <b>Fall clinical work begins</b> - Fall courses add/drop ends
Mon-Fri,	Sept. 14-18	- Fly-out week: No classes or clinical work
Tuesday	September 29	- Reflection Essay 1 Due
Monday	October 12	- Holiday (Columbus Day): Students should make up clinical hours missed during this holiday
Friday,	October 30	- Mid-semester Supervisor Evaluation Due
Wednesday,	November 11	- Holiday (Veteran's Day): Classes in session, regular work day unless clinical placement is closed. If closed, students should make up hours missed.
Monday,	November 16	- Reflection Essay 2 Due
Thurs- Fri.	November 26-27	- Holiday break (Thanksgiving): Students should make up hours or days missed during this holiday
Friday,	December 4	- <b>Fall term clinical work ends</b> - Winter clinical add/drop ends - ITA Prosecution: Mid-Semester Supervisor Evaluations Due - Reflection Essay 3 Due
Monday,	December 7	- Upper-level Fall Classes End
Friday,	December 11	- Student Evaluation Due (online) - Final Supervisor Evaluation Due - Independent Clinical Final Papers Due

*Appendix A: 2007-2008 Clinical Academic Calendar, Continued*

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Monday,	January 4	- Winter classes begin - <b>Winter clinical work begins</b>
Monday,	January 18	- Holiday (Martin Luther King, Jr.): No classes or clinical work, students should make up hours missed during this holiday.
Wednesday	January 20	- Reflection essay due
Thursday,	January 21	- Winter classes end
Friday,	January 22	- Spring clinical add/drop ends - <b>Winter term clinical work ends</b>
Monday,	January 25	- Spring classes begin - Winter Supervisor Evaluations Due - <b>Spring term clinical work begins</b>
Friday,	January 30	- Winter Independent Clinical Paper Due - Winter Student Evaluation Due (online)
Monday,	February 15	- Holiday (President's Day): Classes in session, regular work day unless clinical placement is closed. If closed, students should make up hours missed.
Friday,	February 19	- Reflection Essay #1 Due
Friday,	March 12	- Mid-semester Supervisor Evaluation Due
Mon-Fri.	March 15-19	- Spring Break: Students excused from clinical work
Friday,	March 26	- Reflection Essay #2 Due
Friday	April 16	- Reflection Essay #3 Due
Friday,	April 23	- Spring classes end for all students - <b>Spring term clinical work ends</b>
Friday,	April 30	- Student Placement Evaluation Due (online) - Final Supervisor Evaluation Due - Spring Independent Clinical Paper Due
Thursday,	May 27	- Commencement



## APPENDIX C: Supervisor Guidelines

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Outlined below are guidelines that have been provided to your supervisor regarding his or her role and responsibilities as a clinical supervisor.

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- **Supervisor:** Each student should be assigned to work directly with one supervisor, although the student may also consult with other office staff throughout the course of his/her placement. If the student is receiving assignments from more than one attorney, the supervisor should coordinate all assignments and review the student's work product. (When there is more than one office, the student should be located in the same office as the supervisor.)
- **Initial Meeting:** Schedule an initial meeting at the beginning of the student's placement to discuss your and the student's expectations of the work to be done, the time frame, and the goals of the project or placement. In some legal settings, the student will not be working on long-term projects, but on discrete assignments throughout the semester. In those settings, you should discuss in general terms the types of tasks the student will be assigned and time frames for completion, and you should consider student's interests and goals. It may be helpful for you to express these mutual goals and expectations in writing. Provide the student with basic introductory information, including a brief overview of the organization, office policies and procedures, and helpful resources for completing assignments.
- **Assignments:** Assign the student responsibilities comparable to work that would be performed by a new attorney, and actively encourage the student to take on the most challenging work s/he can reasonably handle. You should provide the student with the opportunity to participate in a variety of interactions and proceedings that reflect the complexity and diversity of the legal work of the office. The student should approximate working as a lawyer to the maximum extent and should be intimately involved in, not just an observer of, the strategic decision-making process in matters in which s/he is involved.
- **Student Court Certification:** If the student is required to appear in court, please check with the Office of Clinical and Pro Bono Programs to inquire if the student either has been, or can be, certified to appear in court under local student practice rules.
- **Weekly Meetings:** Please meet weekly with your student. These meetings will provide an opportunity for you to explain assignments and provide critical feedback on the student's performance. Also, it will allow the student to ask questions and to obtain your guidance on a regular basis. When you give a student an assignment, discuss the immediate and long term objectives and explain the context of the issue. Specify time deadlines and other expectations.
- **Feedback:** Regularly review, critique, and provide timely feedback on the student's work. Provide specific information on whether the student's approach is effective, and suggest alternatives. It is essential to provide ongoing constructive feedback to enable the student to analyze his or her performance and improve and gain confidence.
- **Confidentiality:** Discuss issues of confidentiality and ethics with the student, keeping in mind that s/he may not have taken a course in professional responsibility prior to this placement. Provide the student with copies of office policies or other materials that you think will assist him/her in dealing with these issues. Talk to the student about how you would handle situations in which your duty of confidentiality might be compromised (i.e. discussing a case with a friend, etc.).
- **Conflicts of Interests:** Please raise the issue of potential conflict of interests with the student (i.e. working on a criminal matter from both the defense and prosecution perspectives) and the rules of professional responsibility that must be considered.
- **Written Evaluations:** Supervisors are provided with information on how to complete the mid-semester and final evaluations as well as how to recommend a clinical grade.

## APPENDIX D:

### Harvard Law School Non-Discrimination and Sexual Harassment Policies

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#### Notice of Non-Discrimination

The Harvard Law School does not discriminate against any person on the basis of race, color, creed, national or ethnic origin, age, sex, sexual orientation, marital or parental status, handicap, source of income, or status as a Vietnam-era or disabled veteran in admission to, access to, treatment in, or employment in its programs and activities.

The Harvard Law School makes one exception to this policy. Under threat of loss of funding to the University resulting from the Solomon Amendment, the Law School has suspended the application of its non-discrimination policy to military recruiters. This exception to our policy does not in any way reflect acceptance of, or agreement with, discriminatory hiring practices.

Inquiries regarding the application of the Law School's non-discrimination policy may be referred to the following Law School coordinators of that policy:

- **LL.M. and S.J.D Admissions:** Jeanne Tai, Assistant Dean for the Graduate Program and International Legal Studies. Lewis 208, 617-496-4849
- **J.D. Admissions:** Austin Hall, 2<sup>nd</sup> Floor: 617-495-3179
- **Students:** Ellen Cosgrove, Dean of Students. Pound 310: 617-495-1880
- **Faculty and Staff:** Francis X. McCrossan, Dean for Administration. Griswold 201: 617-495-4641

Inquiries concerning the application of non-discrimination policies regarding race, color, national origin, age, sex, or handicap may also be referred to:

Regional Director  
Office for Civil Rights  
U.S. Department of Education  
J.W. McCormack POCH, Room 222  
Boston, MA 02109-4557

-Adapted from the HLS Handbook of Academic Policies, 2008-2009  
(<http://www.law.harvard.edu/academics/handbook/legal/notice-of-non-discrimination.html>).

#### Provision of Massachusetts Law

Pursuant to the requirements of the law set forth in Chapter 151C, Section 2B of the General Laws of the Commonwealth of Massachusetts, a copy of this Section is printed in full: Any student in an educational or vocational training institution, other than a religious or denominational educational or vocational training institution, who is unable, because of his religious beliefs, to attend classes or to participate in any examination, study, or work requirement on a particular day shall be excused from any such examination or study or work requirement and shall be provided with an opportunity to make up such examination, study or work requirement which he may have missed because of such absence on any particular day; provided, however, that such makeup examination or work shall not create an unreasonable burden upon such school. No fees of any kind shall be charged by the institution for making available to the said student such opportunity. No adverse or prejudicial effects shall result to any student because of his availing himself of the provisions of this section.

## *Appendix C: HLS Non-Discrimination and Sexual Harassment Policies, Continued*

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### **Sexual Harassment**

It is forbidden sexual harassment for any attorney, member, or employee of any placement, agency or organization used by Harvard Law School for its clinical externship programs to

- a) make submission to sexual advances, sexual overtures, or requests for sexual favors either implicitly or explicitly a ground for any decision relating to the evaluation or potential employment of any student or member of the Law School community; or
- b) subject any student or member of the Law School community to any request for sexual favors, any sexual advance, or any other speech or conduct of a sexual nature that:
  - i) is unwelcome; and
  - ii) is abusive or unreasonably recurring or invasive; and
  - iii) has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, demeaning, degrading, hostile or otherwise seriously offensive working environment.

Decisions regarding enforcement of this guideline, including decisions as to whether and how to proceed with particular formal complaints, shall be within the principled discretion of the Office of Clinical Programs at Harvard Law School, based on factors including, but not limited to, the seriousness of the alleged violation; the nature and weight of the evidence supporting a claim of violation; the difficulty of resolving factual conflicts; and the response of the externship placement, agency, or organization upon learning of a complaint.

*The protections extended by this guideline are fully consistent with traditional norms of professional conduct and uncensored debate on matters of public and professional concern. The quid pro quo harassment forbidden by subsection (a) has no colorable excuse. No speech or conduct should be deemed violative of subsection (b) if it is reasonably designed or intended to contribute to reasoned debate about or analysis of issues of public or professional concern, or if it would otherwise be protected by the First Amendment if the state action requirement did not apply.*

*-Adapted from the Harvard Law School Sexual Harassment Guidelines, November 1996.*

### **Sex-Based Harassment by Discriminatory Conduct**

It is forbidden sex-based harassment by discriminatory conduct for any attorney, member, or employee of any placement, agency or organization used by Harvard Law School for its clinical externship programs to subject any member of the Law School community, on the basis of that person's gender or sexual orientation, to:

- i) physical contact or interference with freedom of movement that has the purpose or effect of unreasonably interfering with that person's work performance or employment opportunities or of creating an intimidating, demeaning, degrading, hostile, or otherwise seriously offensive working environment; or
- ii) intentional or reckless damaging or destruction of property with the purpose or effect of unreasonably interfering with that person's work performance or employment opportunities or of creating an intimidating, demeaning, degrading, hostile, or otherwise seriously offensive working environment; or
- iii) any conduct, speech or combination of conduct and speech that would be viewed by a reasonable person as physically intimidating under the circumstances and that has the purpose or effect of unreasonably interfering with that person's work performance or employment opportunities or of

creating an intimidating, demeaning, degrading, hostile, or otherwise seriously offensive working environment.

Decisions regarding enforcement of this guideline, including decisions as to whether and how to proceed with particular formal complaints, shall be within the principled discretion of the Office of Clinical Programs at Harvard Law School, based on factors including, but not limited to, the seriousness of the alleged violation; the nature and weight of the evidence supporting a claim of violation; the difficulty of resolving factual conflicts; and the response of the externship placement, agency, or organization upon learning of a complaint.

-Adapted from the *Harvard Law School Sexual Harassment Guidelines, November 1996.*