

# 2022-23

## Student Guide to Clinical Externships and Independent Clinical Placements



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## GOALS OF HARVARD LAW SCHOOL'S EXTERNSHIP CLINICS

Welcome to Harvard Law School's Clinical Legal Education Program. Through your clinical externship or independent clinical, you will have an opportunity to gain practical skills, receive invaluable feedback, 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 primary goals of Harvard Law School's Externship Clinics are as follows:**

- To enable students to continue to develop and clarify their professional goals through participating in, and reflecting upon, the work of their host /placement organizations;
- To further develop students' understanding of professional responsibility and professionalism through participation in, observation of, and reflection on legal practice;
- To develop and strengthen lifelong habits of reflective learning and self-awareness through engaging in written and oral reflection and analysis, so that students will be able to guide their own professional growth after graduation;
- To improve students' lawyering skills, including research, writing, and oral advocacy (whether formal or informal) through putting these skills to work for their host organization, and receiving detailed feedback from their supervisor on their work;
- To further develop students' substantive legal knowledge and analytic skills through their work for their host organizations and classroom readings and discussion; and to underscore that public service is an essential and rewarding part of any legal career through their work at their host organization.

To assist you in achieving a successful externship placement or independent clinical, we have compiled Student and Supervisor Handbooks of best practices for student supervision.

Ongoing feedback and evaluation is critical to ensure a successful clinical experience. This Handbook, in addition to familiarizing you with our goals and objectives, also sets forth your responsibilities and some recommended guidelines for supervision.

You can learn more about our programs on our [website](#) and [blog](#).

If you have any questions or concerns during the semester, please feel free to contact the Office of Clinical and Pro Bono Programs:

Liz A. Solar  
Director of Externships  
Office of Clinical and Pro Bono Programs  
617-495-3765  
[clinical@law.harvard.edu](mailto:clinical@law.harvard.edu)

## **Statement on Diversity, Inclusion and Equity**

The Office of Clinical and Pro Bono programs encourages and believes that a legal education and legal profession that promotes excellence is one that fully embraces students, as aspiring lawyers, from varied backgrounds, cultures, races, identities, life experiences, perspectives, beliefs and values. We recognize that implicit bias, micro aggressions, and other inequities permeate our society and our profession affecting some students striving to excel in academia and the profession. We expect that organizations/agencies who commit to the mentorship and supervision of the professional development of student interns, are proactively engaging in measures needed to ensure access, opportunity, and inclusive and equitable work spaces for all students, including those from historically marginalized groups. These groups include, but are not necessarily limited to, students from different races, ethnicities, sexual orientation, gender identity, disability, and low socioeconomic status. OCP is available to speak with students who have questions and concerns about a placement that is not fully welcoming and encouraging of all students to realize their potential.

## CONTACTS

For Externships and J.D.  
Domestic Independent  
Clinical Projects:

Liz Solar  
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For International Independent:  
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Clinical Projects:

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Attorney Advisor for LL.M. Pro Bono Program  
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For Registration Questions:

Maggie Bay  
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## **CLINICAL CALENDAR**

Please visit the clinical calendar:  
[Clinical Calendar 2022-2023](#)  
where you can add deadlines  
directly to your personal calendar.

## ACCESSIBILITY

OCP fully complies with Harvard Law School's commitment to the full inclusion of students with disabilities in its clinical programs. In accordance with Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA), and the Americans with Disabilities Act Amendments Act (ADAAA), HLS provides accommodations and support to students with documented disabilities on an individual, case-by-case basis. Clinic students are encouraged to access resources made available through Student Support Services in the Dean of Students Office in order to fully participate in all clinical opportunities. <https://hls.harvard.edu/home/accessibility-services-resources/>

We ask that all supervisors comply with all local, state and federal rules and laws when supervising and hosting students at their work sites. Students and supervisors with questions or concerns may reach out to Liz Solar at [esolar@law.harvard.edu](mailto:esolar@law.harvard.edu) or 617-495-3765.

# ETHICS AND PROFESSIONAL RESPONSIBILITY

## 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. If you are working in Massachusetts, your conduct is governed by the [Massachusetts Rules of Professional Conduct](#). If you are not working in Massachusetts, your conduct is governed by the rules or codes of the particular jurisdiction of your placement. 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.

## Ethics Training

You are required to participate in the ethics training sponsored by the Office of Clinical and Pro Bono Programs. The training will provide you with information concerning your ethical obligations with regard to communication, diligence, confidentiality, and conflicts of interest. Students will be contacted by OCP with details on how to log in to the online tutorial if they have not previously completed the training.

## Confidentiality

The majority of students enrolled in a course for clinical credit are working in a law office environment. In accordance with Harvard Law School's [Clinical Confidentiality Policy](#) and all other applicable rules, students are bound by the same "attorney/client" confidentiality rules as staff at each clinical placement. You should plan to review the Clinical Confidentiality Policy in its entirety at the start of your clinical placement. You will also have the opportunity to discuss the ethics rules and your ethical obligations with your supervising attorney. The following is a starting point for dealing with client confidentiality:

- At all times, you must **explain to 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 assistance.
- **Do not refer to a client by name, provide identifying information, or talk about the 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, such as at a local restaurant, or when you're in a law school setting, such as a class. You should also not discuss your cases with roommates, friends or family. 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 information, containing the client's name or any other identifying information about the case or client. If you wish to discuss a client's case in a reflection essay or paper, please be absolutely sure that there is nothing in your written work that could possibly lead a reader to identify your client.
- **Handle case files carefully** to avoid breaching client confidentiality. You should find out from your supervisor the protocols for handling confidential information. Whenever possible, case files and case-related documents should be kept in a locked filing cabinet in the office, not on a desktop or any



place where confidential information could be viewed by someone walking by. Paper files should **not** be carried back and forth between the office and your home, and should **not** be stored at home.

### **High Risk Confidential Information (HRCI)**

To comply with Massachusetts law and Harvard University policy, certain types of confidential information require extra protection. Students participating in clinical placements in Massachusetts will be required to adhere to the provisions of 201 CMR 17:00: Standards for the Protection of Personal Information of Residents of the Commonwealth, which deal with High Risk Confidential information. The full language of Massachusetts law 201 CMR 17:00 is [available online](#).

### **High Risk Confidential Information (HRCI) is defined as:**

A person's name in conjunction with the person's Social Security number, credit or debit card, individual financial account, driver's license, state ID, or passport number, or a name in conjunction with biometric information about the named individual. High-risk confidential information also includes human subject information and personally identifiable medical information.

### **When handling HRCI you are required to use the following best practices:**

- **DO** destroy paper and electronic files that contain HRCI when they are no longer needed.
- **DO** lock your computer when you are not using it.
- **DO** lock paper files containing HRCI in a filing cabinet.
- **DO NOT** use your regular clinical email to send HRCI. The information must be sent through the secure file transfer system.
- **DO NOT** leave paper or electronic files unattended in open areas.
- **DO NOT** share any of your systems password with anyone.
- **DO NOT** use portable media (i.e. thumb drives) to transport HRCI.
- **DO NOT** email HRCI to yourself or anyone else.

If you suspect HRCI has been improperly disclosed or are ever unsure what to do, talk to your supervisor and visit the [Information Security Policy](#) website of Harvard University.

### **Diligence**

As a student-lawyer you are expected to provide competent representation under the supervision of your supervising attorney. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation. You have an obligation to your client to provide them with diligent representation. If any personal or academic conflicts arise, you must be sure to coordinate with your team and your supervisor to manage the conflict and ensure the client's matter is addressed appropriately with the highest level of professionalism.

### **Conflicts of Interest and Conflicts Log**

At the start of your clinical work, **discuss any potential conflicts of interest with your supervisor**, including any prior knowledge of the client or matter and any legal work you may have accomplished on behalf of an opposing/ related party. **Students are strongly advised to keep a conflicts log from**

**the moment they begin to engage in the student practice of law.** This will facilitate conflict checking as they move from clinic to clinic or SPO, and as students move between various summer internships and employers in the future.

Before hiring you as a lawyer, a law firm/organization may ask you for a list of the matters on which you have ever worked as a law student or lawyer. Your former employers/clinics/external placements may be unable or unwilling to help you prepare a list or may not be able to respond in the time you need. The best approach is to create a contemporaneous record. This will facilitate conflict checking as you move from clinic to clinic or SPO, and as you move between various summer internships and employers in the future.

This log likely captures more information than you will share with any new clinic, employer or organization where you plan to volunteer – but it will enable you to more easily resolve potential conflicts that are identified. E.g., a prospective employer may have a client with the same name but different adverse parties. When you need to provide conflict information to a new organization, you should not provide your Personal Conflicts Log as it will likely contain more information than you should be sharing. Rather, you should use this Log to tailor a new document that is responsive to the request for conflicts information, and is in line with your ethical duties around how much and when to share information.

You may disclose information to your potential employer but only to the extent necessary to determine whether your employment would create any conflicts if the firm/organization hired you. For what and how to disclose, see Massachusetts Rules of Professional Conduct, Rule 1.6(b)(7) and Comments 13 and 14, <https://www.mass.gov/supreme-judicial-court-rules/rules-of-professional-conduct-rule-16-confidentiality-of-information> and Boston Bar Association Ethics Committee Opinion 2004-1, <https://bostonbar.org/document-type/ethics-opinions/>.

While maintaining this form might strike you as a chore, doing so is imperative to ensure compliance with a lawyer's duty of confidentiality and loyalty under the rules of professional responsibility. Before undertaking any particular legal assignment, if there is a high risk that it might preclude future employment, you should consider asking your employer not to assign you to the matter for that reason. We do not foresee this happening often, but, for example, if you are clerking for Firm A in the first half of the summer and Firm B in the second half, you may not want to work on a problem at Firm A where firm B is on the other side.

Remember to store your Conflicts Log in a place that is password protected. You should also back up the program in a similarly secure way. Be sure to record your password somewhere safe, so that you will always be able to recover your data.

**SAMPLE PERSONAL CONFLICTS LOG**

<b>Employer/Clinic</b>	<b>Client Name</b>	<b>Adverse Parties/Interested Parties/Witnesses</b>	<b>Brief Description of Case/Matter</b>
<b>Harvard Legal Aid Bureau</b>	<b>Amy Smith</b>	<b>John Jones</b>	<b>Divorce including custody and child support</b>

## **EXTERNSHIP/INDEPENDENT REGISTRATION INFORMATION**

The Office of Clinical and Pro Bono Programs oversees registration for clinics. The on-site externship supervisors and the HLS Externships director go to great lengths to create quality externship placements. Clinics require that students finalize their participation earlier than is required for non-clinical courses.

### **Independent Clinicals**

Independent clinicals are approved by an application process with determined deadlines. However, OCP will review and enroll students on a rolling basis as applications are received. Students should note that independent clinical credits **do not** count towards the experiential learning requirement.

### **Add/Drop Deadlines**

Clinic add/drop deadlines are earlier than most course add/drop deadlines. In addition, some clinics have even earlier add/drop deadlines than those listed on the clinical calendar. Students should consult the clinic descriptions in the [HLS course catalog](#) for specific add/drop deadlines.

### **Clinic Withdrawal Deadlines**

A student withdrawing from a clinic after the last day of the clinic add/drop period for the term will be considered to have withdrawn after the deadline, and the clinic will be listed on his/her transcript with a “Withdrew after Deadline” (WD) notation. Students cannot drop a multi-semester (e.g. Fall-Winter) clinical course or a Winter or Spring Clinic that has a Fall class component after the first semester's (Fall) drop deadline. Class work is essential to the educational program at the Law School. Regular attendance at classes and participation in class work are expected of all students, and attendance is evaluated in light of the number of days that the class meets. In the case of substantial delinquency in attendance or unsatisfactory performance of clinic responsibilities, the Law School may, after written warning, involuntarily withdraw the student from the course, clinic, seminar, or reading group in question. Students who believe they need to miss classes for an extended period of time must speak with the Dean of Students who can assist with such situations and can help students comply with the Law School's attendance policy and related academic policies. Students are also advised to speak with the instructor and/or the Assistant Dean for Clinical and Pro Bono Programs if appropriate. Exceptions to the withdrawal policy are available only for a compelling reason. To request an exception, students must contact the Assistant Dean for Clinical and Pro Bono Programs.

### **One Clinic Per Semester and Maximum Number of Clinical Credits**

For the fall/spring semesters, there is a limit of 5 clinical credits. For winter term, there is a limit of 2 clinical credits. J.D. students can only take up to 16 clinical credits, which is the maximum that can count towards the degree requirement for the J.D. degree (52 upper-level credits are needed to graduate). Students who have questions about this policy should contact the Assistant Dean for Clinical and Pro Bono Programs. Combining clinical, cross-registration, and written work credits, up to 16 credits can

count towards the J.D. degree requirement. Review the HLS Academic Handbook for more information on degree requirements and credit limitations. Students may only enroll in one clinic per term.

### **Advanced Clinical**

Some students ask if they can continue working on their clinical cases/projects in a subsequent semester. Students who complete the original course and clinical can arrange to continue clinical work in a subsequent semester (even into another year) by applying for an [advanced clinical](#). Approval of the clinical supervisor and the clinic's faculty director is required. Students may not enroll in a separate clinic in addition to their advanced clinical credits.

### **Curricular Practical Training**

All J.D. students on F-1 visas are required to apply for Curricular Practical Training authorization. Students must complete a Curricular Practical Training application provided by the Office of Clinical and Pro Bono Programs to get authorization. **IMPORTANT: Students cannot start their clinical placement until they have received Curricular Practical Training authorization through the Harvard International Office. Students with part-time Curricular Practical Training authorization may not ever work more than 20 hours per week.**

## TIME COMMITMENT AND CREDITS

**When you commit to a clinical placement, you are accepting serious responsibility for real clients with legal issues. As such, be sure that you have an appropriate amount of time and energy to devote to your placement.**

Clinical work involves the representation of clients and/or management of projects, requiring serious professional and academic responsibilities. At the beginning of the semester, students will set up a schedule of clinical work hours in consultation with the on-site supervisor that reflects the number of credits they are receiving. One clinical credit is awarded for every four hours of clinical work per week for twelve weeks in the fall and spring semesters.

Terms available	Clinical credits	Hours per week	Hours per term
Fall, Spring	2 clinical credits	8 hours/week	96 hours/term
Fall, Spring	3 clinical credits	12 hours/week	144 hours/term
Fall, Spring	4 clinical credits	16 hours/week	192 hours/term
Fall, Spring	5 clinical credits	20 hours/week	240 hours/term

For winter term externship, students earn 2 clinical credits. Students must be in residence working full-time at their placements, from the first day of winter term, January 3, 2023, through the last day of winter term, January 20, 2023. For fall and spring, students may earn between 2 -5 clinical credits.

For independent clinicals, students earn 2 clinical credits. Students must be in residence working full-time at their placements from the first day of winter term through the last day of winter term. For fall and spring independent clinicals, students may earn between 2 - 5 clinical credits.

### **Changing Clinical Credits**

Students enrolled in a clinic that offers variable credits may adjust their clinical credits through the add/drop section of Helios, up until the clinic's drop deadline.

After the drop deadline has passed, students may change their clinical credits by emailing Maggie Bay in the Office of Clinical and Pro Bono Programs, up until the following deadlines (please make sure to check with your supervisor before requesting a change to your credits):

- **Fall 2022– 10/07/22**
- **Spring 2023–02/17/23**

After the above deadlines, all clinical credit changes must be requested by your direct clinical supervisor and submitted to the Office of Clinical and Pro Bono Programs or Maggie Bay at [clinical@law.harvard.edu](mailto:clinical@law.harvard.edu).

### **Working On-Site/Remote work**

#### **Externship Clinics:**

Students must fulfill all clinical work hours on-site at the clinical placement, unless the student is working at an approved long-distance placement.

#### **Independent Clinical Placements:**

Remote and hybrid placements may be permissible if the organization's primary or sole method of operating is a remote or hybrid work environment. Students may not be placed with organizations where the primary office operations are conducted in person. As part of the independent clinical application students and supervisors must demonstrate that the remote independent clinical can be a successful academic, skill-building, and mentorship experience by considering a balance of the following factors:

- The placement work environment is primarily remote or hybrid (with some exceptions);
- The placement supervisor has strategies for effective and remote supervision;
- The student's project is conducive to remote engagement;
- There are sufficient technological resources to ensure ethical and effective work;
- The student can plan for an adequate work environment for professional and ethical responsibilities.

### **Holidays and Absences**

You are responsible for consistently working the required number of hours each week throughout the semester except for Columbus Day, Thanksgiving and the December holidays, and spring breaks. During these excused absences, which you should coordinate in advance with your placement supervisor, you are required to ensure that all casework is covered and that if you have clients, they are aware of your absence. If offices are closed for any local, state, or national holidays (during which HLS holds classes), 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.

If you are sick or otherwise unable to perform your clinical work for an extended period of time, please make sure to contact your supervisor to explain the situation and make arrangements for making up work. You should also keep the Clinical office apprised of any such situations so we can help you.

## **Requesting Class Recordings due to clinical work obligations**

*Clinical Hearings:* Students may request that a class be audio-recorded for the following reasons: unavoidable conflicts with court hearings, administrative proceedings, or other court-ordered appearances connected to the Clinical Programs, where the student is a primary actor in the proceeding. The student must exhaust all means of avoiding the conflict by attempting to reschedule the appearance or attempting to arrange coverage of the hearing by another qualified student or attorney. Additionally, a student may request a recording where a make-up class is scheduled during ordinarily scheduled clinical hours required for academic credit. These scheduled hours with the clinical placement must be confirmed by a clinic director or from filings with the Office of Clinical and Pro Bono offices for externship placements.

In submitting the request for a recording, the student must indicate:

- i. The type of clinical conflict, including:
  - a. the role they expect to play in the court hearing or administrative proceeding, OR
  - b. The ordinary office hours for the clinical placement and attestation of schedule from OCP or clinical director
- ii. Explanation as to why the conflict is unavoidable/means taken to reschedule or arrange coverage
- iii. Confirmation that they have alerted their clinical instructor/supervisor of the unavoidable conflict

Student requests should be submitted through the Class Recording Request on the Services Hub (HarvardKey login required). If a student has requested a recording, the Registrar's Office will review the request to determine if the student's individual circumstances make the student eligible to receive a recording. If a student has requested a recording, and the recording is approved by the Registrar's Office, the Registrar's Office will notify the instructor about the request and ask for instructor permission to record. The Registrar will also copy the instructor supervising/sponsoring the student for their clinical program to attest to the unavoidable nature of the conflict and the necessary role of the student or confirm the regularly scheduled clinical hours. The recording will be made available for use by the student only through a password-protected posting. The recording will be available for student listening for one calendar week from the date of posting.

Recording for the above reasons will be considered only in cases in which classes will be missed for a period of two weeks or fewer. In most cases, a student's absence from their classes for more than two weeks will be cause for a leave of absence.



## STUDENT PRACTICE RULES

### 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 the responsibilities and obligations of an attorney. Always advise clients, courts, opposing counsel 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 in Massachusetts

If court appearances are required for your clinical work, you will need to be certified to practice. You should contact OCP to determine if you are eligible for student certification and to request a certification letter from HLS to the 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, OCP will arrange for your certification. You will not be able to appear in court until you have received a copy of your certification letter. The process of requesting certification takes approximately 2-3 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. OCP will coordinate 3:03 certification requests for any student enrolled in a clinic for which 3:03 certification is required.

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 of Massachusetts or on behalf of indigent clients. You must have completed, or be concurrently enrolled in a course for credit in evidence or trial practice. OCP will coordinate 3:03 certification requests for any student enrolled in a clinic for which 3:03 certification is required.

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 Court 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 Maggie Bay (mbay@law.harvard.edu) of OCP.

# CLINICAL EMAIL SYSTEM

## Clinical Email System Policy

All J.D. and LL.M. students will have two HLS email accounts, the regular student account (jharvard@jd##.law.harvard.edu) and the clinical account (jharvard.jd##@hlsclinics.org). Both accounts reflect the last two digits of the year of graduation. Clinical visiting students and/or volunteers will be assigned a clinical account if or when they begin doing clinical work.

The clinical email account must be used exclusively for work related to an HLS clinic and/or Student Practice Organization (SPO). Students working at externship and/or pro bono organizations for HLS clinical or pro bono credit must adhere to the email policies of their placement organizations. Many external organizations provide students with an email address to use for their work during the placement. If the placement does not provide this, students should discuss the existence of their HLS clinical email account with the supervisor and should use this account. Students should not use their regular HLS or personal email accounts for externship or pro bono work.

The clinical email account has extra security measures in place to protect the confidentiality and integrity of privileged client communication and case information. These measures protect the student, the supervisor, and the clients from inadvertent disclosure of confidential information. This email account should never be used for personal or other matters unrelated to clinical work.

## Managing Email Content

The clinical email account is set up in a manner designed to make the forwarding of client information extremely difficult in order to protect confidential information. Students will be trained by their individual clinics and SPOs on how to deal with their email, how to upload information into the case management system, and where to file client/case related information before they leave the clinic or SPO at the end of each semester.

Students should never send High Risk Confidential Information through any kind of email account. Instead, they should use the Secure File Transfer System.

Students should also consider whether sensitive document data, also known as [metadata](#), should be removed from documents before sending any attachments from their clinical email account. Students should always discuss this and any other issue with their supervisor if they are unsure about an appropriate course of action.

## After Graduation

Once students have completed their time at the law school, and after HLS provides adequate notice, their clinical account will be terminated without access to send, receive, or auto-reply to email. For May graduates access will be terminated on July 31st. In the rare event a student does not properly file this

information before leaving a placement, the Office of Clinical and Pro Bono Programs will have sole access to their archived clinical emails.

For more specifics on how to use the email system, see the HLS ITS [website](#).

# PRO BONO REQUIREMENT

## **HLS Pro Bono Requirement**

As a condition for graduation, HLS adopted a pro bono graduation requirement that requires J.D. students to contribute at least **50** hours of legal pro bono work. Students who entered law school prior to 2015 had a requirement of 40 hours.

Students can fulfill this requirement at any point during their time at HLS and must complete their work and submit all the required paperwork before spring break of 3L year.

Students enrolled in a clinic during 3L spring semester are excused from this deadline.

Almost all clinics automatically count towards the pro bono requirement, except for those where clinical work is for a for-profit entity or project.

At the end of every semester, clinical credits are automatically converted into pro bono hours. If you are earning clinical credit you do not need to submit any pro bono forms. You will receive a notice confirming completion of the pro bono requirement after successful completion of the clinical (i.e. a passing grade has been achieved).

If you have previously completed the pro bono requirement, the hours will be added to your student record.

Read more about the [HLS pro bono requirement](#) on our website.

## **NY Pro Bono Requirement\***

If you intend to take the New York Bar Exam, you will need to engage in 50 hours of pro bono service before seeking to be admitted to the New York Bar. Please note: the requirements for the HLS pro bono requirement are not the same as the New York Pro Bono requirement. You should review the [New York Rule and the Frequently Asked Questions](#) at the New York Courts website to determine whether your work at your clinical placement meets the New York Pro Bono Requirement.

If you plan to count your clinic hours towards the New York Pre-Admission Pro Bono Requirement, you should discuss this with your supervisor at the start of your clinical experience. As part of your Application for Admission, you will need to submit an Affidavit of Compliance signed by your Attorney Supervisor. You should confer with your supervisor about how you plan to keep track of your hours. If you plan to track your own time independently, you can utilize the model form in Appendix A and adapt it as necessary. At the conclusion of your clinical experience, you should plan on providing your supervisor with a copy of your completed and notarized Affidavit including the hours you devoted to this project. After your supervisor has had an opportunity to review your Affidavit, you should plan on asking your supervisor to sign your Affidavit of Compliance before you leave the clinic at the end of the semester.

\*Please note that each state has its own eligibility and pre-admission requirements that you should be aware of as you decide which bar you plan to take after graduation. New York asks that every Applicant meet a pro bono requirement. New York also asks that students provide an affidavit from every

supervisor of law-related employment including employment for academic credit or without pay. However, every bar application has a different set of requirements. You should be mindful of these requirements.

## **WORKING WITH YOUR SUPERVISOR**

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.

### **Relationship to Placement Organization**

You are a clinical student of the placement organization – not an employee. The focus of the externship/independent clinical is to provide you with training related to the development of legal skills and substantive knowledge. Your externship/ independent clinical is an extension of your educational experience at Harvard Law School. Your supervisor will work closely with you to provide you with close supervision and feedback. As an extern, you will not receive compensation, nor are you entitled to a job at the conclusion of the externship/ independent clinical.

### **Initial Meeting**

We require that you have a meeting with your supervisor at the beginning of your clinical work to create a “workplan” for the semester. At this initial meeting, you should discuss the following with your supervisor:

- Goals and expectations for your practice experience.
- Work assignments for the semester.
- Determine your work schedule, especially if working in an office.
- Office policies, procedures, and helpful resources.
- Preferred method of communication with your supervisor.
- How to handle client or case information, including what information or documents may or may not be sent over email, carried on your person, or discussed outside the office.
- Best practices regarding email etiquette when corresponding with your supervisor, other attorneys, or your client in a professional manner.

*Appendix B outlines additional 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 clarification, 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. See the Office of Clinical and Pro Bono Programs website for the contact information of staff members in the Clinical office that are available to meet with you to discuss your concerns.

In the case substantially delinquent (and unexcused) attendance or unsatisfactory performance, your supervisor may reach out to Liz Solar by phone or email. We encourage supervisors to reach out as soon as possible in an effort to mitigate and give students opportunities to remedy their delinquencies as appropriate. The law school may, after written notice, involuntarily withdraw a student from the clinic. Students with Curricular Practical Training authorization cannot work more than 20 hours per week due to federal immigration regulations. Students who anticipate a problem should immediately contact OCP.

## SUPERVISION IN REMOTE PLACEMENTS

### 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 via telephone or email on a weekly basis at minimum. If you are not able to reach your supervisor (and an emergency has not occurred on their part), please contact our office.

**Assignments:** You should receive interesting, meaningful, and relevant legal work. If this becomes a concern for you, please do not hesitate to contact the Clinical and Pro Bono office.

**Mid-Semester Evaluation (Fall/Spring only):** You are required to have a mid-semester evaluation meeting with your supervisor, whether in person or by telephone. This is an opportunity for your supervisor to provide constructive feedback, and to plan assignments and tasks for the remainder of the semester.

**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). An example is included in Appendix A 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. See *Time Commitment and Credits* section.

**Weekly Emails (independent clinicals only):** Students participating in an independent clinical are required to submit weekly emails. Emails should include a discussion of what the student has been working on and a reflection on the clinical experience. Weekly emails should be sent to the student's faculty sponsor with a copy to the Office of Clinical and Pro Bono Programs (clinical@law.harvard.edu).

**Reflection Essays:** Students participating in **certain** externship placements are required to submit reflection essays throughout the term. Students who are obligated to write reflection essays will be advised in an email from Liz Solar. More detailed information about what to include in your essay is available in the Reflection Essays Section of this handbook. Students are advised not to discuss specific



case or client information in reflection essays. If you don't receive an email, you are not obligated to submit reflection essays.

## EXTERNSHIP AND INDEPENDENT CLINICAL REFLECTIONS

**Most externship students are required to submit three reflection essays during the semester.**

(Independent clinical students submit weekly reflections via emails and a final paper.) While the essays are shared with your course instructor, they are *not* shared with your supervisor, unless they are the same person. Grades may not be issued until all of the reflection essays are submitted. These essays provide an excellent mechanism for you to:

- Gain an awareness of, and learn how to better self-evaluate your strengths and weaknesses as a student 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 submit weekly reflections on Friday for each week of their placements.***

### **Format and Confidentiality for All Reflections**

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

### **Externship Reflection Essays Requirement**

Students are required to submit three reflection essays. **Students submitting journals/reflection essays through placements the Massachusetts Office of the Attorney General's Office should not submit journals to Liz Solar and should follow instructions provided by the AG's office.**

**Students interning with the US Attorney's Office are not required to submit journals/reflection essay.**

Suggested essay topics:

**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 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 you will be working in multiple areas, address the variety of cases/projects or the skills that you hope to work on.

- b) The duties and tasks to be performed (interviewing, legal research and writing, etc.).
- 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: Identify an ethical situation or decision that occurred. Explain the issue, how it was resolved and whether you think the resolution was proper and why.
- 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 was 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 underlying policies 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.

### **Submission of Externship Reflection Essays**

Submit reflection essays (attached as a 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 email. 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.

### **Independent Clinical Reflection Essays**

Students must submit weekly reflection essays via email to their Faculty Sponsor and to the Office of Clinical and Pro Bono Programs at [clinical@law.harvard.edu](mailto:clinical@law.harvard.edu). These reflections will not be shared with Supervising Attorneys. **Emails should contain a discussion of the work performed (without revealing privileged or confidential information) together with a reflection about the experience.** This reflection can be about a range of topics including issues related to ethics and professionalism, legal strategy, the legal profession, or field, or how the work related to your academic or professional path. The weekly reflections, academic paper, and supervisor’s evaluation will determine students’ grade as credit/fail.

## **CLOSE-OUT PROCEDURES**

### **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.

### **Clinical Email Account**

You should discuss with your supervisor how to deal with any email that needs to be saved, how to upload information to the case management system, and where to file client/case related information before you leave your clinic at the end of the semester.

### **Pro Bono Credit: If you’re taking the NY bar exam**

**DON’T FORGET TO GET YOUR FORMS SIGNED**, if you intend to use your externship/independent clinical hours towards the New York Pre-Admission Pro Bono Requirement.

Only original signed copies are accepted as part of your Application for Admission.

You should review the Rule and the Frequently Asked Questions at the New York Courts website to determine whether your work at your externship/independent clinical placement meets the New York Pro Bono Requirement.

## EVALUATIONS AND GRADING

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 Clinical Calendar.

### **Student and Supervisor Evaluations for Externship and Independent Clinicals**

#### **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 HELIOS. 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 announced deadlines.

#### **Supervisor Evaluations (Mid-Semester and Final for Fall/Spring):**

**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. Students will be evaluated on the following criteria:

- Legal Analysis and Research
- Judgement and Problem-Solving Skills
- Writing and Drafting Skills
- Professional Practices
- Case and Time Management

Supervisors are asked to assess students' performance using a scale from 1 - 10:

1-2 Fail - Weak performance. Prompt attention needed to plan for improvement. Weak performance may be related to such things as: insufficient output, inconsistent performance, inadequate research and analysis, carelessness and inaccuracies, insufficient preparation for tasks, weak organization and case management.

3-4 LP - Minimally adequate performance that could be described as: meets minimum standards of quality and quantity, usually meets deadlines, performs basic advocacy tasks adequately, understands the need to act with purpose and design and can do so with supervision, follows instructions, but requires close supervision

**5-7 Pass** - Satisfactory to good performance that could be described as: consistently meets and sometimes exceeds minimum standards, works efficiently, exhibits good organization and case management skills, acts with reasonable purpose and design, seeks out and uses supervision effectively by clarifying task expectations, reporting problems and proposing solutions.

**7-10 Honors** - Achieves very good results that could be described as: consistently exceeding minimum quantity and quality expectations, always accurate, anticipates and meets deadlines, exhibits good command of relevant law, requires close supervision only on new or complex matters, works independently on familiar tasks, learns effectively from colleagues and seeks opportunities to learn and improve. Exhibits outstanding strategic judgment and planning, solid performance of lawyer tasks and skills.

A copy will be shared with your 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.

## **Grading**

### **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 two written evaluations. It is important that 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 (H/P/LP/F or credit/fail) as selected by the course instructor. The recommended clinical grade is provided to the clinic professor and, upon their review is subsequently submitted to the Registrar's Office.

### **Independent Clinical Grading**

The Faculty Sponsor reviews the Supervising Attorney's evaluation of the student, and uses the evaluation, weekly reflections, and academic paper to determine the appropriate grade. Independent clinicals are graded on a Credit/Fail basis. The faculty sponsor submits the credit/fail grade to the Registrar's Office by the end of the semester. If an extension is granted, it is essential for the professor to submit the grade as "EXT" and the student must inform OCP of the extension by emailing [clinical@law.harvard.edu](mailto:clinical@law.harvard.edu).

## INDEPENDENT CLINICAL FINAL PAPER

### **Final Paper**

Option A: Students may submit a 15-page academic paper. The paper must include original research and involve some type of policy and/or practice issue related to the work or analysis of the organization. This may not be a work product. Students may use this paper to fulfill half of Option 2 of the HLS Writing Requirement.

Option B: Students may submit a 8-10 reflection paper that builds on the weekly reflection responses completed throughout the placement. The reflection paper is an opportunity for students to give serious attention to drawing out what they have learned from their placement experience, not only about the law and legal practice, but insights gained about themselves as well. These insights could relation to a student's professional identity, their legal skills, and which ones they would like to improve, and how the placement might have shaped or changed their professional identity and goals. In addition, students may reflect on some of the soft skills they needed at their placements such as developing professional relationships, working in a team, and making good use of supervision. Other topics might include an analysis of the work of the organization and the related area of law, or ethical issues that arose during the clinical work, how those issues were resolved and whether they thought the resolution was proper.

Your independent clinical final paper must be submitted to your Faculty Sponsor and to the Office of Clinical and Pro Bono Programs ([clinical@law.harvard.edu](mailto:clinical@law.harvard.edu)) by the deadlines listed in the Calendar section of this handbook.

## TRAVEL REQUIREMENTS INDEPENDENT CLINICALS and EXTERNSHIP CLINICS

DOMESTIC: If you are traveling domestically for an independent clinical or an Externship clinic, outside of the 495 corridor in Massachusetts or throughout USA, you must:

- Review and sign the Domestic Travel Course: Assumption of Risk and General Release Form. This form should be filed with the clinic:  
<https://www.globalsupport.harvard.edu/sites/default/files/2022-04/university-domestic-research-study-covid-041322.pdf>
- INTERNATIONAL: If you are traveling internationally under Harvard auspices, you must, prior to departure:
  - Review and sign the [International: Assumption of Risk and General Release Form](https://www.globalsupport.harvard.edu/sites/default/files/2022-04/graduate-professional-student-international-research-study-release-covid-041322_0.pdf)  
[https://www.globalsupport.harvard.edu/sites/default/files/2022-04/graduate-professional-student-international-research-study-release-covid-041322\\_0.pdf](https://www.globalsupport.harvard.edu/sites/default/files/2022-04/graduate-professional-student-international-research-study-release-covid-041322_0.pdf)
  - Review the HLS International Travel website <https://hls.harvard.edu/dept/ils/international-travel/>
  - Register the trip through the University's <https://globalsupport.harvard.edu/travel-tools/register-international-travel>
  - Review, sign and return the appropriate form; for international independent clinicals you should sign the [Assumption of Risk and General Release](#) form, and these should be filed with International Legal Studies office. For international travel with clinics, you should fill out the [Assumption of Risk and General Release](#) form and file this with the appropriate clinic.

In addition, you should review [Harvard's Global Support Services' travel risk ratings](#). If you are considering travel to an area that is categorized as high-risk, please be aware that the HLS may advise against--and may even withhold support for--travel that is deemed to pose excessive risk.

## TRAVEL FUNDING

The Office of Clinical Programs will pay for reasonable travel expenses for students in most externship placements for clinical credit. Independent Clinical travel funding is by application and not guaranteed. More information is available here: <https://hls.harvard.edu/clinical-policies-and-registration/clinical-travel-funding/>

### **Local travel within Cambridge and greater Boston**

For local travel in the Boston area, students will likely be provided a pre-paid MBTA subway/bus Charlie Card. In most cases of public transportation to the clinical placement, the total cost of round-trips per



week will be less expensive than a semester-long pass so students will not be reimbursed for the full amount of a semester-long pass. You may have other transportation needs for a pass, but it is not advised to purchase a MBTA semester-long pass solely for travel to a clinical placement. Public transportation should be used in most cases, unless an alternative form is deemed necessary by the after consideration of time, safety, and cost-effectiveness. In those cases, you may be added to the Clinical and Pro Bono Programs Zipcar account or reimbursed for using your personal car. The Office of Clinical and Pro Bono Programs will reach out to students enrolled in local externships before the semester with a short survey to confirm your travel plans and allocation.

### **Travel outside of Cambridge and greater Boston, within the US**

Students requesting fund for travel outside of the Boston area for externships and independent clinical should submit an application after reviewing the guidelines on this page: <https://hls.harvard.edu/clinical-policies-and-registration/clinical-travel-funding/>

### **International Travel**

Students traveling abroad for a winter independent clinical project should apply for a Winter Term International Travel Grant through International Legal Studies. <https://hls.harvard.edu/ils/>  
This does not apply to students participating in the Sports Law clinic traveling abroad (OCP will provide funding not ILS.).

**APPENDIX A:**

Harvard Law School  
**Office of Clinical and Pro Bono Programs**

**Student Time Log for Remote Placements**

Please complete and submit this time log to your supervisor and to Liz Solar (esolar@law.harvard.edu) on the last day of each month (not applicable to independent clinical students). ***This time log is to be used for placements outside of the greater Boston area.***

If you're already recording hours in a similar format or another form for your organization, you may email it to Liz Solar.

Date	Description of Work Done for  Organization Name:	Hours*
<i>Please use hour or half hour increments:</i> <b>hours:</b>		<b>Total</b>

*I certify that the clinical hours indicated above are accurate.*

Student Name

Student Signature

Date

## **APPENDIX B: Supervisor Checklist**

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

### **SUPERVISOR'S CHECKLIST**

The following guidelines are designed to help the student, you, and your organization have a successful experience through participation in Harvard Law School's Program of Clinical Legal Education. An active and well thought out supervision plan and feedback process between the supervisor and the student is essential for a productive experience.

**Primary 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 the student's 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.) The supervisor must have the necessary license to practice in the area of law or jurisdiction in which the attorney works.

**Initial Meeting about Student Work:** 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 student's goals for the externship/independent clinical, the specific types of tasks the student will be assigned, the time frame for completion, and the goals of the project or placement. 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. Supervisors are then asked to assign work to the student in keeping with the goals and tasks delineated during this meeting.

**Discuss Student Role:** At the start of the placement, you are encouraged to confirm with the student that: (1) the student is a clinical student - not an employee of the placement; (2) the focus of the externship/independent clinical is to provide training (related to the development of legal skills and substantive knowledge) to the student; (3) the student is not entitled to a job at the conclusion of the externship/ independent clinical; (4) the student is not entitled to wages for time spent in the externship/ independent clinical because the student is not an employee; and (5) the student's tasks are educationally oriented and clearly delineated from the tasks performed by office employees.

**Confidentiality:** Discuss issues of confidentiality and ethics with the student, keeping in mind that they 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 them in dealing with these issues. Talk to the student about how you would handle situations in which your duty of confidentiality

might be compromised (e.g., discussing a case with a friend, etc.). Advise students as to the appropriateness of using writing from clinical work as writing samples in outside settings.

**Communication:** Inform the student if you have a preferred method of contact within the office or when you (or the student) are away from the office. Please also suggest any best practices with regard to students communicating over email – both in what kind of documents or information may be disclosed over email as well as email etiquette when communicating with you, other attorneys, and clients in a professional manner.

**Conflicts of Interests:** Please raise the issue of potential conflict of interests with the student and the rules of professional responsibility that must be considered. Keep in mind that students may have had multiple clinic experiences and/or summer jobs where they have potentially worked on competing sides of cases

**HLS Clinical Email System Policy:** HLS has set up a separate clinical email system for students to be used exclusively for work related to an HLS clinic. Students working at externships/ independent clinical have been advised to adhere to the email policies of the placement organization. If your organization does not provide students with an email address to use for work, students have been advised to discuss the existence of their HLS clinical email and to use this account. Students are prohibited from using their regular HLS or personal email accounts for externship/ independent clinical work.

The clinical email account has extra security measures in place to protect the confidentiality and integrity of privileged client communication and case information. These measures protect the student, the supervisor, and the clients from inadvertent disclosure of confidential information. This email account should never be used for personal or other matters unrelated to clinical work.

The clinical email account is set up in a manner designed to make the forwarding of client information extremely difficult in order to protect confidential information. Once students have completed their time at the law school, and after HLS provides adequate notice, their access to the clinical email account will be terminated. Students should never send High Risk Confidential Information through any kind of email account. Instead, they should use the [secure file transfer system](#).

Students should consider whether sensitive document data, also known as metadata, should be removed from documents before sending any attachments from their clinical email account. Students should always discuss this and any other issue with their supervisor if they are unsure about an appropriate course of action

**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 the student 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 the student is involved.

**Weekly Meetings:** We ask that you meet weekly with your student 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.

**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.

**Malpractice Coverage:** It is the responsibility of the supervising attorney to be covered under a malpractice insurance policy, if appropriate, and that the student will fall under the attorney's coverage.

**Student Absences:** Students are responsible for consistently working the required number of hours each week throughout the semester. If a student is missing work or deadlines or you have any other concerns about the student, please contact the Office of Clinical and Pro Bono Programs. Please see Section on *Time Commitment and Credits* for more information about student hour minimums, absences, and school holidays.

**New York Bar Pro Bono Certification.** Many Harvard Law Students may also be applying to take the New York Bar Exam. The New York Court of Appeals requires any Applicant who has successfully completed the New York Bar Exam to perform 50 hours of pro bono service prior to seeking Admission to the Bar. Students may ask you to sign an Affidavit of Compliance to demonstrate compliance with this requirement. For more information on the New York Pro Bono Requirement, see link: <http://www.nycourts.gov/attorneys/probono/baradmissionreqs.shtml>

## REQUIRED WRITTEN EVALUATIONS

**Mid-semester:** Supervisors of externships or independent clinicals in the Fall or Spring, must complete a mid-semester evaluation of the student's performance. We ask that supervisors schedule a meeting at mid-semester where they evaluate the student's performance and the student can self-assess his or her own performance. Together, supervisor and student should develop a work plan for the remainder of the semester. We strongly encourage supervisors to use the mid-semester evaluation to raise any concerns.

**Final:** Supervisors also must complete a final evaluation of the student's work performance at the end of the semester. The evaluation, which is most valuable if shared openly and honestly with the student during an 'exit interview,' should include a comprehensive assessment of performance, focusing on both strengths and areas for further development as well as a review of the cases and projects assigned to the student.

Evaluations include a comprehensive assessment of your performance, focusing on strengths, progress, and areas for further development.

Students will be evaluated on the following criteria:

- Legal Analysis and Research
- Judgement and Problem-Solving Skills
- Writing and Drafting Skills
- Professional Practices
- Case and Time Management

Supervisors are asked to assess students' performance using a scale from 1 - 10:

1-2 Fail - Weak performance. Prompt attention needed to plan for improvement. Weak performance may be related to such things as: insufficient output, inconsistent performance, inadequate research and analysis, carelessness and inaccuracies, insufficient preparation for tasks, weak organization and case management.

3-4 LP - Minimally adequate performance that could be described as: meets minimum standards of quality and quantity, usually meets deadlines, performs basic advocacy tasks adequately, understands the need to act with purpose and design and can do so with supervision, follows instructions, but requires close supervision

5-7 Pass - Satisfactory to good performance that could be described as: consistently meets and sometimes exceeds minimum standards, works efficiently, exhibits good organization and case management skills, acts with reasonable purpose and design, seeks out and uses supervision effectively by clarifying task expectations, reporting problems and proposing solutions.

7-10 Honors - Achieves very good results that could be described as: consistently exceeding minimum quantity and quality expectations, always accurate, anticipates and meets deadlines, exhibits good command of relevant law, requires close supervision only on new or complex matters, works independently on familiar tasks, learns effectively from colleagues and seeks opportunities to learn and improve. Exhibits outstanding strategic judgment and planning, solid performance of lawyer tasks and skills.

A copy will be shared with your 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.

**Recommended Clinical Grade:** Supervisors recommend a grade based on the student's work and progress throughout the semester. It is important that the written evaluations be detailed and thorough to provide the basis for the recommended clinical grade. At the beginning of the semester, supervisors will be notified of the clinical grading policy (H/P/LP/F or credit/fail as selected by the course instructor). A separate clinical grade sheet is provided to supervisors for recording the grade. The supervisor is not required to share the recommended grade with their student.

**Grades:** The HLS externship grading scale is Honors, Pass, Low Pass or Fail (H, P, LP, or F), with the exception of some clinical courses offered for credit/fail. Independent Clinicals are graded on a Credit/Fail basis.

Submission deadlines are set out in the calendar located at the beginning of this handbook. Please submit completed evaluations to: **Liz Solar, Director of Externships, Office of Clinical and Pro Bono Programs, [clinical@law.harvard.edu](mailto:clinical@law.harvard.edu)**.

## **HARVARD UNIVERSITY NOTICE OF NON-DISCRIMINATION**

Harvard Law School does not discriminate against any person on the basis of race, color, religion, creed, national or ethnic origin, age, sex, gender identity, sexual orientation, marital or parental status, disability, source of income, or status as a veteran in admission to, access to, treatment in, or employment in its programs and activities. The Law School has instituted these policies and certain procedures to ensure a safe and nondiscriminatory environment and to meet legal requirements, including Title IX of the Education Amendments of 1972. All employers using the facilities and services of the career services offices must comply with these policies and procedures. 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.

Accordingly, the Office of Clinical and Pro Bono Programs of Harvard Law School requires all students and externship and independent supervisors to comply with all applicable antidiscrimination laws.

### **CONTACT INFORMATION**

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

Students:

Stephen Ball  
Assistant Dean and Dean of Students  
617-495-1880  
WCC 3039

Mark A. Weber  
Assistant Dean for Career Services  
617-495-5469  
WCC 4022

Catherine Pattanayak  
Assistant Dean for Public Service and Director of the Bernard Koteen Office of Public Interest Advising  
617-496-6106  
WCC 4048

Assistant Dean for Clinical and Pro Bono Programs  
Meredith Boak  
617-495-5202  
WCC 3085

Faculty:

L. Tracee Whitley  
Dean for Administration  
617-495-4641  
Griswold 201



Staff:

Roxanne L. Armbruster  
Assistant Dean and Chief Human Resources Officer  
617-496-2080  
Hauser 010

Sasha Tulgan  
HLS Title IX Program Office  
Hauser Hall 010  
1575 Massachusetts Avenue  
Cambridge, MA 02138  
STulgan@law.harvard.edu

J.D. Admissions:

Kristi Jobson  
Assistant Dean for Admissions and Chief Admissions Officer  
617-495-0658  
Austin 203

LL.M. and S.J.D Admissions:

Gabriella Blum  
Vice Dean for the Graduate Program and International Legal Studies  
617-496-4849

Inquiries concerning the application of nondiscrimination policies may also be referred to the Regional Director, Office for Civil Rights, U.S. Department of Education, J. W. McCormack POCH, Room 222, Boston, MA 02109-4557.

# HARVARD UNIVERSITY

## Sexual and Gender-Based Harassment Policy

Harassment based on sex, gender, or gender identity is governed by Harvard University's [Interim Policies on Title IX Sexual Harassment and Other Sexual Misconduct](#). The Policies prohibiting sexual harassment and other sexual misconduct are designed to ensure a safe and non-discriminatory educational and work environment and to meet legal requirements, including: Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in the University's programs or activities; relevant sections of the Violence Against Women Reauthorization Act; Title VII of the Civil Rights Act of 1964, which prohibits discrimination on the basis of sex in employment; and Massachusetts laws that prohibit discrimination on the basis of sex, sexual orientation, and gender identity.

### FREQUENTLY ASKED QUESTIONS

To learn more about [Harvard University's Interim Policies and Procedures](#), please refer to the Office for Gender Equity [website](#). More background explanation about the interim policies is available [here](#).

### Procedures for Handling Complaints:

- Reports of sexual and gender-based harassment, including sexual assault and sexual violence, will be processed under the [HLS Sexual Harassment Resources and Procedures for Students](#) when both the complainant and the respondent are HLS students.
- If either the complainant or the respondent is a non-HLS student, the [Harvard University Procedures for Handling Complaints Involving Students Pursuant to the interim policies on Title IX Sexual Harassment and Other Sexual Misconduct](#) will be used, and, when the respondent is an HLS student, will be supplemented by the [HLS Interschool Sexual Harassment Procedures](#). For additional information regarding the investigative process under Harvard University procedures, visit the Office of Dispute Resolution's [website](#).

### Anonymous Reporting:

If you wish to report a concern in an anonymous manner, you can do so via the Harvard University Reporting Hotline: The [Anonymous Reporting Hotline](#) operates 24 hours a day, seven days a week, and is run by an independent, third-party provider.

There are two ways to report: toll-free by calling 877-694-2275 or you can [submit a report online](#).