

Steady Work¹: Exploring Values in an Externship Seminar
Introduction
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This presentation will argue that Externships provide the ideal opportunity for both macro and micro exploration of values. On the macro level, faculty and students can explore the institutions that affect the community (from courts to prosecutors to legal aid to welfare offices). On the micro level, externship faculty and students can explore personal and ethical values. We will argue that the courses that accompany externships should engage in this critical exploration and critique of the institutions and the values the students encounter in the field. Individual presenters will describe the ways in which they have tried to do this.

The Carnegie Report considers how to “best combine the elements of legal professionalism – conceptual knowledge, skill, and moral discernment.” It recognizes the “priority of analytical thinking” and “formal knowledge” of the law as the first element, but asserts that is not sufficient. The second element is acquiring “practical skill . . . in particular contexts.” The third element is “professional identity . . . which is sometimes described as professionalism, social responsibility, or ethics.”² These last two elements – skills and professionalism -- need to be more fully integrated into the curriculum according to the Carnegie Report.

The American Bar Association, as the accrediting agency for law schools, has taken significant steps to integrate “skills” into the curriculum by requiring at least six credits of “experiential course(s).”³ An experiential course must be “primarily experiential in nature” and must be “a simulation course, a law clinic or a field placement.”⁴ The course must “integrate doctrine, theory, skills and legal ethics, and engage students in performance of one or more of the professional skills . . . ; develop the concepts underlying the professional skills being taught;

¹ The title “Steady Work” is borrowed from Gary Bellow’s article, *Steady Work: A Practitioner’s Reflections on Political Lawyering*, 31 HARV. C.R.-C.L. L. REV. 297 (1996) which he explained as follows: “A man, sitting on a box outside the gates of a Jewish ghetto in sixteenth century Poland, was approached by a recent visitor to the settlement: ‘Every day I see you sitting here,’ the visitor said, ‘are you waiting for someone?’ ‘Oh yes,’ the man replied, ‘I’m waiting for the Messiah. It is my job here.’ ‘Your job?,’ said the visitor. ‘Are you happy with your job?’ ‘Well,’ the man replied, ‘the job has its ups and downs. But it’s steady work, you know.’”-*Id.* at 297 n.1 quoting Irving Howe, *Steady Work: Essays in The Politics of Democratic Radicalization, 1953-1966* (1966).

² WILLIAM M. SULLIVAN, ANNE COLBY, JUDITH WELCH WEGNER, LLOYD BOND, LEE S. SHULMAN, *EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW*, 12-14 (2007)

³ Standard 303 (a)(3) AMERICAN BAR ASSOCIATION, *STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS & INTERPRETATIONS* (2015-2016).

⁴ *Id.*

provide multiple opportunities for performance; and provide opportunities for self-evaluation.”⁵

The very language of Standard 303 focuses on “skills” – multiple opportunities for their performance, the concepts underlying them, and the student’s evaluation of his or her performance of these skills. The Standard that governs simulation courses and law clinics further emphasizes the importance of “skills” by requiring “direct supervision of the student’s performance by a faculty member; opportunities for performance, feedback from a faculty member, and self-evaluation.”⁶

While developing professional skills is important, and externships can play a part in that, the Standards’ focus on “skills” as the *raison d’être* for externships and other experiential courses risks the loss of other equally important goals that can be achieved through mediated externship experiences. Live clinical experiences, and particularly externships, can be excellent opportunities for development of “professional identity, . . . professionalism, social responsibility, [and]ethics,”⁷ the third element of legal education that the Carnegie Report identifies as needing development. We argue that the externship seminar or classroom component should include substantial opportunities to explore these important values.

Our panel will invite you share in what ways your externships explore any of these values on either the personal, micro level or the societal macro level. We will share our experiences including values in our programs, and host a final brainstorming session about what more we might try.

Although it is beyond the scope of this panel presentation, we might reflect upon whether Standard 303’s language calling for the integration of “doctrine, theory, skills and legal ethics” is sufficient to encourage the robust focus on values that we recommend, or whether the Standards should be amended to expressly call for experiential learning to focus on values as much as they focus on skills.

⁵ *Id.* The “professional skills” to be developed may include “legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context” as well as “other professional skills” including “skills such as interviewing, counseling, negotiation, fact development and analysis, trial practice, document drafting, conflict resolution, organization and management of legal work, collaboration, cultural competency and self-evaluation.” See Standard 302

⁶ Standard 304 (b)(i) and (ii) regarding law clinics. The language regarding simulation courses is almost identical at Standard 304 (a)(i) and (ii).

⁷ WILLIAM M. SULLIVAN, ANNE COLBY, JUDITH WELCH WEGNER, LLOYD BOND, LEE S. SHULMAN, EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW, 12-14 (2007)