

# **FIELD PLACEMENT POLICIES AND PROCEDURES MANUAL**

This Policies and Procedures Manual was created to provide information to Students and Supervisors of the Field Placement and Advanced Field Placement Courses.

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<http://www.umassd.edu/law/clinics/field-placements/>

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## **I. COURSE OVERVIEW**

The UMass Law Field Placement course (FP) enables students to receive academic credit for legal work performed in various types of judicial, law office and organizational placements. Students receive three or four credits for the semester's work, performing at least 130 or 170 hours of legal work, respectively, during the semester at the placement in addition to participating in a regularly scheduled seminar and satisfying various classroom requirements.

Students are supervised on-site by lawyers who are committed to the FP's objectives and guidelines, assign students substantial law-related work, and neither pay the students nor bill for the students' time.<sup>1</sup>

The Clinic Coordinator maintains a list of placements that include private, governmental, and nonprofit law offices, as well as the judicial placements. Within the guidelines of the FP, students may establish their own placements, but those placements must be approved by the Director of Clinics and Experiential Learning, Prof. Margaret Drew. Please contact Crystal Desirey, Clinic Coordinator to receive a list of possible placements when you begin looking for a placement opportunity.

Upon applying for the FP course for the first time, students are to contact the Director, Margaret Drew or her designee to arrange a meeting to be evaluated and counseled concerning their goals and interests for the placement. In some circumstances, the classroom professor may conduct the interviews. Upon completion of this meeting, the Director or her designee will contact potential supervisors to assess whether any new potential placement will be accepted.

Collectively, the coordinator, the director, and the field placement professor will all be available to assist in the search for an appropriate placement.

## **II. EDUCATIONAL OBJECTIVES**

The Field Placement course (FP) aims to achieve the following goals:

1. To promote students' development of a wide range of lawyering skills.
2. To provide an opportunity for students to reflect upon the professional role of the attorney in the workplace and in the profession at large.
3. To enable students to learn doctrine through its practical application.
4. To expose students to the role of attorney as problem-solver.
5. To expose students to the realities of life as a lawyer and the varieties of professional roles and styles of legal practice so that students may make more informed decisions about their professional lives.

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<sup>1</sup> The requirement for on-site work is waived during the COVID-19 epidemic. Further information will be discussed.

6. To expose students to ethical dilemmas faced by judges and lawyers and provide them with opportunities to reflect on appropriate responses to those dilemmas.

#### A. DEVELOPMENT OF LAWYERING SKILLS

Supervising Attorneys are expected to challenge students with structured legal assignments of all types that foster the development of a variety of lawyering skills. Skills will be enhanced through regular feedback. Some of the skills that might be developed during the field placement experience are the following:

##### 1. Research, Analysis, and Writing

Students' engagement in legal research can help them develop an increased proficiency in the use of research tools and an increased ability to focus on and develop critical legal issues. Through experience, student writing will become clearer, more succinct, and attuned to its intended audience. Students may be exposed to one or more of the following assignments: a) drafting legal correspondence; b) drafting legal research memoranda; c) drafting pleadings; d) drafting trial appeals and briefs; and, e) drafting administrative or judicial decisions.

##### 2. Fact-finding Skills

Some of these skills may include assisting with discovery; working with investigators; conducting non-legal telephone, data-base and library research; and developing interviewing skills.

##### 3. Litigation Skills

Student participation in strategy meetings can help provide the context for students to draft trial memoranda, motions, and direct and cross-examination. Opportunities to attend depositions, court hearings, discussions in chambers, negotiations, client meetings and other legal matters are also encouraged.

##### 4. Developing Transactional Skills

Students may work on research issues related to transactional matters. Drafting contracts, deeds, memos or other documents related to transactional matters will enhance skills necessary for partners.

##### 5. Developing Professional Skills and Sensitivities

In most placements, students will be working on several assignments simultaneously. Students will need to learn to: set priorities and time limits for accomplishing tasks; work efficiently under pressure; keep files updated; and organize file contents to make data easily accessible. Most importantly the student will learn how to manage time and expectations. These skills are developed by communicating clearly with supervisors and others and keeping supervisors up to date with student assignments and progress.

Relating to diverse clients and the public can enable students to establish rapport, respond skillfully to concerns, assess credibility, acquire relevant facts, and provide helpful information.

Students will learn to deal professionally with support staff, colleagues, adversaries, judges, and others involved in the profession.

All students must familiarize themselves with the Rules of Professional Conduct in the jurisdiction of their placement, paying close attention to the rules governing the unauthorized practice of law; competence and diligence; truthfulness; confidentiality (including attorney/client and work product privilege); and conflicts of interest.

## B. THE PROFESSIONAL OBLIGATIONS OF THE ATTORNEY

Law office placements are ideal vehicles for promoting a discussion about the role of the attorney in daily life and as a professional in society generally. Discussions between students and their supervisors foster students' awareness of a variety of professional issues.

## C. EXPOSURE TO THE LEGAL SYSTEM AND LEGAL PRACTICE

This experience will enhance the student's learning about the legal system as a whole and the extent to which it promotes justice. Observing how lawyers interact with the legal system and discussing that with their supervisors will enable students to witness how the legal system works. Supervisors' insights into the culture, language, professional associations, and the path they took to develop their own lives as lawyers can inspire a student's own professional development. Because field exposure is a critical part of the experience, no more than 30% of the student's field placement work may be done remotely. The 30% does not include time away from the office to tend to the business of the office, such as observing hearings, retrieving documents, attending negotiation sessions and other off-site meetings or events.

So long as COVID-19 precautions are in place, however, students may work remotely 100%. Should your placement ask that you to work in person, we leave that decision to you. There is no pressure for you to work in person. The choice is up to you and your choice will not impact your grade. We suggest when interviewing with a prospective employer, you ask whether the placement is in person, remote, or a hybrid. Please do not accept an in-person placement if you are uncomfortable working in person.

## D. THE LAWYER AS PROBLEM SOLVER

While all lawyers are problem-solvers, this aspect of lawyering can be difficult to impart in an academic setting but can be taught by example in a practice setting. It is critical for students to understand that there are a variety of ways to solve a client's problems. Exposure to formal, informal, and alternative methods of dispute resolution can offer a different perspective on the appropriate role of the lawyer.

### III. PLACEMENT GUIDELINES

Supervisors will: (A) provide an orientation to their law practice and office; (B) develop a Memorandum of Understanding (MOU) with the student and provide substantive guidance on legal assignments; (C) assign one supervisor to oversee a student's work, ensure a reasonable workload, and hold weekly supervision meetings; and (D) conduct a mid-semester and final review and exit interview.

A. **ORIENTATION** will expose students to the structure, layout, and people in the office; it will inform them of the policies and lines of authority in the office, and about important issues such as confidentiality and use of clerical support. It will establish both a work space for the student and a work schedule.

B. **MEMORANDUM OF UNDERSTANDING (MOU)** negotiated between the supervisor and student and approved by the faculty teaching the field placement seminar, will enable the student to maintain and achieve learning goals during the course of the semester; ongoing supervision of the student's work will help the student accomplish the goals set out in the MOU. The MOU may be found on the field placement website. The MOU may be completed during the first week of the field placement, but we hope that both students and field supervisors will review the MOU prior to the field supervisor accepting the student. We want the field supervisor and the student to be aware of basic obligations contained in the MOU.

C. **WEEKLY SUPERVISION MEETINGS** will enable students to establish deadlines that will foster completion of important tasks in the cases. The Supervisor will provide students with ongoing, constructive feedback of their work, and will determine whether they have given students appropriate and reasonable workloads.

D. **REVIEWS** permit supervisors to re-visit the goals established at the beginning of the semester and discuss how they are being met. Supervisors are expected to have a mid-semester review with the student. The supervisor should not be afraid to specifically address social professionalism, dress, etc. in addition to legal skills. The school does not require a written mid-semester review. You will receive a reminder from us with a list of suggested topics to address. The reviews enable students and supervisors to adjust the Memorandum of Understanding, if warranted. An End of Semester Evaluation of the student's performance will be sent to the field supervisor for completion. The completed evaluation will be reviewed by the faculty member teaching the seminar to assist with grading. The student will be provided with a copy. The evaluation will also certify that the student completed the time commitment and other field placement obligations. The exit interview will provide students with an assessment of their performance during the semester.

Students will be provided with an end of semester evaluation of the field placement. Field placement supervisors will not have access to your evaluation. The purpose of

the evaluation is for us to evaluate the quality of the placement and determine whether the placement is an appropriate one for other students.

## IV. COURSE REQUIREMENTS

### A. ACADEMIC REQUIREMENTS

#### 1. Grades

This course is graded on a letter-grade basis. Students must comply with all placement and academic requirements. The professor teaching the seminar determines the grade considering the student's performance in class, journal and/or paper writing, the field placement supervisor's evaluation, as well as other criteria the professor may determine as relevant. The weight given to each criterion will be determined by the professor. You must have a minimum grade point average of 2.3 to participate in the FP. If your placement is to be with a judicial officer, then your grade point average must be a minimum of 3.0. Certain judicial placements may require a higher-grade point average.

### PROFESSIONALISM AND YOUR GRADE

Your professor will discuss with you the parameters of grading in the field placement course. One factor of all field placement grading is professionalism. You are expected to listen and respond to everyone with whom you have contact with courtesy and respect. Any disrespectful behavior in class or at your placement will result in a downward adjustment to your grade. If you have difficulty relating in a civil and respectful manner, even when you disagree with another individual, please speak with your professor for help in formulating and maintaining a professional demeanor.

#### 2. Credits and Placement Time

Students must complete 130 hours in the placement for three credits and 170 hours for four credits. To receive credit, students must successfully fulfill the hours required for their placements during the semester; they must also successfully complete the classroom component described below, maintain accurate records of their work time, and satisfy the writing requirement.

Students are encouraged to work in large blocks of time and must be present (unless remote/hybrid) at the field placement site at least two different days each week. Travel and meal time do not count towards hours. Students are responsible for keeping a record of the hours spent in the field throughout the semester using the attached time sheet that is submitted weekly to the clinic coordinator.

#### 3. Writing Requirement

Students are required to complete a substantive legal writing assignment(s) as assigned by the professor. This project typically will be 15, double spaced pages at 12-point font. At the option of the professor teaching the course, the writing assignment may be broken down into multiple smaller writing projects that total

fifteen pages. The professor will assign topics, and other requirements of the writings.

#### 4. Reflective Journals and Time Log (attached)

Depending upon the professor's requirements, students will maintain a journal reflecting on the various experiences at their placement. Journal writing forces reflection of individual progress and accomplishments, as well as the legal system and their place within it. In addition, a time log will be maintained to certify the required hours of the course are completed and satisfy ABA requirements. These journals and time logs are handed in weekly. For purposes of confidentiality, the journals are seen only by the professor teaching the course. The time logs are emailed to [Cliniccoordinator@umassd.edu](mailto:Cliniccoordinator@umassd.edu).

#### 5. Classroom Component

For both Field Placement and Advanced Field Placement, students are required to attend regular seminars at the Law School (or virtually during remote learning). For FP, the seminars provide both a forum for students to discuss lawyering concerns and observations as well as substantive teaching. In addition, informed by required reading, students will explore ethical and professional issues posed in their varying placements. Classroom component time does not count toward the field placement hour requirement.

#### 6. Individual Meetings

Students may have one or more individual conferences with the supervising faculty member during the semester. Students are encouraged to make an appointment to speak with the professor should any concerns arise during the field placement.

### B. PREREQUISITES

Students may enroll in FP for a maximum of two semesters. Students who enroll in a second semester of field placement (Advanced Field Placement) may have different course requirements. The professor will address any varying requirements with the advanced students. The structure and syllabus of any Advanced Field Placement class will be determined by the Professor but will include both substantive and reflective components. No student may enroll in the FP until the student has successfully completed at least 30 credits of law school classes. Professional Responsibility is a co-requisite or prerequisite in addition to any applicable minimum grade point average.

## V. COURSE POLICIES

### A. FAMILY AND FRIENDS CONNECTIONS

No student shall be assigned to a placement site at which a parent, parent-in-law, spouse, business or domestic partner, offspring, sibling, or in-law is an employee or partner. We want the student experience and evaluations to be as objective as

possible. We also want the student to be able to assess the pros and cons of a practice from a fresh perspective.

## B. PREVIOUS EMPLOYMENT

No student shall be assigned to a site at which the student is now, or in the past has been, employed for compensation in any capacity. Since this is an academic experience, the school has a policy against such placements because we want a fresh, independent supervisor who can assess the student's professional development without prior influences intruding. Similarly, we want the student to critique the field placement without the complications that come with a prior employer-employee relationship. We want you to have a variety of learning experiences as part of the course.

## C. IMPROPRIETY DETERMINED BY DIRECTOR

No student shall be assigned to a site if the Director of Clinical Programs and Experiential Learning determines that the placement is inappropriate. Further, a placement will not be approved if the supervising attorney has been in practice fewer than five years. Also, in the rare case that the student is deemed inappropriate for a particular FP, the FP team will assist the student in finding another FP.

## D. NO COMPENSATION

Students may not receive any form of compensation for the work performed. Neither the office in which the student completes the placement, nor a member thereof may pay for or contribute to the tuition charged for FP credits. The office may pay for or contribute toward the cost of parking and mileage and other out of pocket expenses, but such contribution is entirely voluntary and may not exceed the parking and mileage incurred for the internship.

Notwithstanding the above, students who are receiving approved third-party compensation may receive FP credit. Typically, this includes the summer stipend and other third-party stipends approved by the school.

## E. NO SIMULTANEOUS ENROLLMENT

A student may not simultaneously enroll in a clinic and field placement. Any student employed in a law-related position during the same semester they would like to enroll in FP must disclose such information to the clinic professor, the Director of Clinics and Experiential Learning, the FP supervisor, and the employer so that actual or potential conflicts of interest may be addressed.

## F. STUDENT PRACTITIONER

Under certain circumstances you may be able to represent clients or an entity under the direct supervision of a licensed attorney during your FP experience if you meet the qualifications of the Supreme Judicial Court of Massachusetts Rule 3:03, Rhode

Island Rule 9, or equivalent student licensing rules for other jurisdictions. This representation is limited to work with government and non-profits. Private law practices might qualify if the lawyers are appointed to represent criminal defendants through the Committee for Public Counsel Services. Otherwise, no student may represent any client or entity before any court or agency, unless the rules of that court or agency permit representation by someone other than a licensed attorney or a party to the case. If you have Rule 3:03/Rule 9 certification may be able to update your certification by substituting a new supervising attorney. If you are eligible for certification, please contact Crystal Desirey, Coordinator, as soon as possible to begin the application process. It is best to do this prior to starting the semester or within the first week because it will take a few weeks to acquire approval from the Supreme Judicial Court (SJC) and the equivalent RI authority. If you will be practicing in a state other than MA or RI, please see the Coordinator.

## G. REPEAT EXPERIENCES

Except for judicial placements, students are not permitted to repeat experiences in Advanced Field Placement. We favor students broadening their knowledge and skills in the practice of law. Should you have any questions regarding this policy, please speak with of the Director of Clinics and Experiential Learning, who may consult with the professor teaching the field placement seminar, must be obtained before being permitted to repeat an experience at the same office as the student worked before.

## H. INABILITY TO DROP THE COURSE:

Once you have accepted a field placement, you will not be permitted to withdraw from the course except in emergency or other extraordinary circumstances.

IF AN EMERGENCY OR OTHER EXTRAORDINARY CIRCUMSTANCE OCCURS, A WAIVER REQUEST MUST BE SUBMITTED IN WRITING TO THE DIRECTOR OF CLINICAL PROGRAMS AND EXPERIENTIAL LEARNING, PROF. MARGARET DREW (Margaret.Drew@umassd.edu) WITH A COPY TO CRYSTAL DESIREY, CLINICAL PROGRAMS COORDINATOR (Cliniccoordinator@umassd.edu). See Student Request for Emergency Withdrawal from Clinic/FP form (attached below).

## VI. HOW TO APPLY

1. Review the school website information on the Field Placement course. This information includes the course description, this Policies and Procedures Manual, and the MOU, all of which you are required to read prior to application. Determine if you meet the criteria for a field placement. Then complete a Field Placement application form. NOTE: During COVID-19 students should use the Remote FP MOU. If you are working partially in person and partially remote, please use both the in person and remote MOUs.

2. You must contact the Director of Clinical Programs and Experiential Learning, Prof. Margaret Drew at Margaret.Drew@umassd.edu or 508-985-1126 with arrangements to meet to discuss your preferred placement. Some semesters this meeting may be delegated to the professor teaching the FP class.

3. When the proposed field placement supervisor is approved, consider contacting the placement supervisor, arrange for a meeting to discuss terms of the MOU, discuss office dress requirements and professional standard policies, and finalize the placement. If you need assistance, please contact the FP course professor or the director. MOU's must be executed within two weeks of the start of the course.

4. Check your email for registration confirmation; upon approval you will be enrolled by LEC.

For more information, please contact:

Margaret Drew  
Director of Clinics  
and Experiential Learning  
Associate Professor of Law  
508-985-1126  
Margaret.Drew@umassd.edu

Crystal Desirey  
Clinical Programs Coordinator  
508-985-1180  
CDesirey@umassd.edu

Student Name:		SEMESTER: Fall Spring Summer Please circle
Clinic/Placement Name:		Year: _____
Supervisor:		

Week	Date	Start Time	End Time	Total Hrs.	If any of your hours were done remotely, please indicate those below.	Students w/ placements in private law firms. ----- If any of your work was for <b>pro bono (indigent) clients</b> , please state how many of the hours were for pro bono clients below.	Please provide a short description of the work you completed below.
WEEK 1							
				<b>Weekly Totals</b>			
			<b>Page Total</b>		Total Page Remote Work (if any) _____	Total Page Pro Bono (if any) _____	

**University of Massachusetts School of Law – Dartmouth  
Student Request for Emergency Withdrawal  
from Clinic/Field Placement Form**

*Instructions:*

- Complete and submit this form to the Director of Clinical Programs and Experiential Learning, Margaret Drew with a copy to Crystal Desirey, Clinical Programs Coordinator.
- Type or print legibly.
- Be specific and concise in stating your request.
- Explain the reasons for your request fully.
- If necessary, attach additional sheets.
- Provide complete documentation in support of your request.

**First Name:** \_\_\_\_\_ **Last Name:** \_\_\_\_\_ **Student ID:** \_\_\_\_\_

**Telephone:** \_\_\_\_\_ **Anticipated Date of Graduation:** \_\_\_\_\_

**E-Mail** \_\_\_\_\_ **@umassd.edu** **Day** \_\_\_\_\_ **Evening** \_\_\_\_\_

**REQUEST:**

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**REASON FOR REQUEST:**

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**DATE:** \_\_\_\_\_ **STUDENT SIGNATURE:** \_\_\_\_\_

**Clinic Director/Instructor of Field Placement**

**Approved:** \_\_\_\_\_ **Denied:** \_\_\_\_\_ **Date:** \_\_\_\_\_ **Signature** \_\_\_\_\_

**Comments:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Director of Clinical Programs and Experiential Learning**

**Approved:** \_\_\_\_\_ **Denied:** \_\_\_\_\_ **Date:** \_\_\_\_\_ **Signature** \_\_\_\_\_