Encouraging reflective practice at law school: A conceptual model and promising practices

Poverty Law, Access to Justice, and Ethical Lawyering (Osgoode Hall Law School)

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Key messages from
Encouraging reflective practice at law school:
A conceptual model and promising practices

- Reflection is critical for learning
- Reflective practice is an important capability at every stage of professional development (student → professional)
- Facilitating reflective capacity early and pervasively benefits everyone
- Access to justice work is enhanced by reflective practice

“I think it is actually cutting edge, it ought to be explored.” Research participant
What is Reflection?
Why Care About Reflective Practice?

- A more effective adult learner
- Healthier and happier student/professional
- Supports ethical development
- Awareness of cultural incompetence
- Increases sensitivity and commitment to social justice and access to justice issues
- Encourages transformational learning
Why Care About Reflective Practice?

- Enhances critical lawyering skills & capacities
- Efficient and effective legal professional
- Holistic practitioner – law as a “healing profession”
- Builds flexibility, resilience, and leadership capacity
If you had many members of the profession who were reflective practitioners, in particular self-reflective practitioners, I think you would actually see differences in what are accepted as the predominant norms of the profession itself.

I think that it’s something we are going to hear more about and I think that law faculties that evolve to adopt these kinds of tools and methods will be better law faculties.

Anybody who is more reflective is less likely to be a discourteous, uncivil professional.
What is reflective practice?

1. The literature review
2. Interviewing law professors
Reflection: An Evolving Recognition of its Critical Contribution to Learning

- Dewey (1934)
- Mezirow (1979)
- Boyd & Fales (1983)
- Kolb (1984)
- Boud et al (1985)
- Brookfield (1995)
- Moon (1999)

Reflection & Thinking
Reflection & Transformational Learning
Reflective Practice & Professional Development
Reflective Learning
Experiential Learning & Reflection
Reflection & Learning from Experience
Critical Reflection
Reflection & Professional Development
Donald Schön and Reflective Practice

FIGURE 2.1 The topology of professional landscapes

“A reflective practitioner is somebody who considers who they are, where they are, what they’re doing, their position in the community, the purpose of the work they are doing and how they are doing it, and takes it as an ongoing process of learning and moving forward… a continuous iterative process.”

The ability to engage in critical self-reflection about one’s professional role and experiences is an important and learnable skill which is arguably the key to continuous learning throughout a lawyer’s career.
RP means for me the opportunity to reflect in a fairly systematic and intentional way about what has been done—what has worked, what hasn’t worked, what was successful, why was it successful or not successful, and learn from that reflection, continually adjusting the practice in ways in which you will imagine, and it will be made better as a result of reflection.

..a bigger definition of RP has one reflect not simply on the skills that one’s acquiring, whether it’s to think critically or analytically, or more effective questioner, listener or interviewer, but it’s to reflect on the role of law in society. It’s to reflect on the implications that law will have on groups within society.
Setting the Aspirational Vision:

Creating a working definition for reflective practice in legal education and for the legal profession
Reflective practitioner
(traditional)
REFLECT ON PRACTICE
Reflective practitioner

Schön

skill

learn from experience

integrate theory & practice

action
Encouraging Reflective Practice

- Osgoode Symposium 2011

Technical

Think like a lawyer

Practical

Schön

Craft

Integrate theory & practice

Professional discipline

Skill

Action

Reflective practitioner

Learn from experience

“Hands”
Reflective practitioner

- skill
- professional discipline
- competency
- analytical
- apprenticeship
- ‘single loop’ learning
- integrate theory & practice
- instrumental
- practical
- Schöen
- technical
- ‘artistry’
- legal reasoning
- legal practice
- make ‘tacit’ explicit
- "think like a lawyer"
- cognitive
- "think like a lawyer"
Critically reflective practitioner

REFLECT ON KNOWLEDGE & CRITIQUE
Critically reflective practitioner

knowledge

critical legal studies

critique

challenge the status quo

law as a social construct

intellectual

“head”
Encouraging Reflective Practice - Osgoode Symposium 2011

- Encouraging Reflective Practice
- Osgoode Symposium 2011

- Critically reflective practitioner
- Knowledge
  - Challenge the status quo
  - 'double loop' learning (Arygris/Schön)
  - “head”
  - Critical race theory
  - Feminist analysis
  - Deconstruct
  - “enlargement of mind” (Nedelsky/Arendt)
  - Law as a social construct

- Intellectual
- Practicing theorist (Buchanan)
- Context

- Theoretical
- Conscientization (Freire)
- Critical legal studies
- ‘liberal’ education
- Critique

- Transformative
- Intellectuals (Giroux)
- Unpack assumptions & paradigms
- Emancipation

- ‘Liberal’ education

- Liberal

- Critical legal studies

- Feminist analysis
“You can’t grow, you cannot learn, you cannot shift, you cannot respond without self-reflection.”
Research participant
Self-reflective practitioner

- self-awareness
- “heart”
- values
- ethics
- personal
- moral commitment

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Self-reflective practitioner

- emotional and social intelligence
- personal
- philosophy of practice
- values
- moral commitment
- insight
- ethics
- self-regulating
- introspection
- engagement
- self-awareness
3 Key Components

Reflective practitioner

Critically reflective practitioner

Self-reflective practitioner
3 Key Components

Reflective practitioner

Critically reflective practitioner

Self-reflective practitioner

Integrated Reflective Practitioner (IRP)
Integrated Reflective Practitioner

- engaged
- life-long learner
- ethical
- holistic approach
- “authentic”
- “new” professional
- a “way of being”
- integrated knowledge, skills, values
- reflects collectively

... is self-aware and can reflect on practice, knowledge and critical theory as a self-directed life-long learner, and takes action to improve his/her practice, and reflects in community. Reflective practice becomes a “way of being”. (Palmer)
Reflecting In Community

Reflective practitioner

Critically reflective practitioner

Self-reflective practitioner

Integrated Reflective Practitioner
The Aspirational Vision

Reflective practitioner

Critically reflective practitioner

Self-reflective practitioner

Integrated Reflective Practitioner (IRP)
Methods to increase reflection

- Identify suitable methods
- Experiment with methods (action research)
- Be intentional and explicit with students
- Model your own reflective practice
- Share your knowledge & expertise – new scholarship or innovative pedagogy
Some methods - Research participants

- Learning contracts
- Learning plans
- Learning styles assessment
- Rubrics for self-assessment
- Debriefing
  - OPIR group debriefs
  - Experiential learning
  - Group work
  - Role plays
- Ethical ambassador
- Experiential (field trips, exercises, intensives)
- Problem-based learning
  - Innovative use of novel
- Mind-mapping
- Reflective questions
- Syllabus expectation
- Use of metaphor
- Innovative teaching methods
- Co-curricular activities
- Critical reflection on readings
- Reflective writing
  - Journaling
  - Summaries of key learning points
  - One minute papers
  - Reflective essays
  - Personal code of conduct
- Teaching portfolios
Methods to support reflection
See Mind Map # 2 (Resource Kit)

- Orientation
- Pre-orientation
- Reflective exercises
- Planning exercises
- Reflective writing
- Reflective questioning
- Self-awareness exercises
- Reading theory critically
- Experiential learning
  - “Actual”
  - “Staged”
- Innovative teaching methods
- Course offerings
- Graphic exercises
- Contemplative practices
- Debriefing exercises
- Consciousness-raising
- Aesthetic
- Mentoring programs
- Assessment & evaluation methods
- Group process
- Faculty models RP!
Opportunities at Law School to encourage reflection
Clinical Legal Education Programs Lead the Way
“I think it’s cutting edge, it really ought to be explored”

- Research Participant
A pervasive approach – Strategic alignment

Law school admissions
Experiential learning
Faculty Modeling
Learning outcomes / core competencies
Extra & co-curricular activities
orientation
Academic Success Program
Courses
Strategic plan
externships
Clinical Programs
Assessment & Evaluation
Career Services Department
Faculty Professional Development
Closing Key Messages for Faculty

- Use at least one method to encourage reflection
- Share your promising practices
- Build on existing promising practices
- Nurture your own reflective practice
- Create a community of practice
- Create new knowledge about teaching (scholarship about pedagogy, action research)
- Model reflective practice for students
Resource Kit Available

- Introductory memo to Resource Kit materials
- Working Conceptualization for RP
- Mind Maps: Benefits/Outcomes & Methods
- Planning Tool “Where I want to Be” Adapted from Fritz (1999)
- Sample Resource for Law Students: Reflective Journaling
- Annotated Resources & Bibliography (work in progress)
- “Ten Actions of a Reflective Practitioner” (Adapted from Kinsella, 2001)
- Collection of quotes to reflect on
- Matrix for planning reflective activities
- Glossary of Terms (adult & higher ed lexicon)
- For more information: leeringm@lao.on.ca
- These documents can be found online at: http://www.gaje.org/abstract-michele/
What does reflective practice mean to you?

“When I am at my best, my teaching is like a ____________.”

There is a crack in everything
That's how the light gets in.

– Leonard Cohen in “Anthem”