

Learning Law in Place

Experiential Learning Guide for Law Students

Part 2 - The Workbook



THE CANADIAN
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Preface

Learning Law in Place is one of a series of Canadian Bar Association (CBA) projects¹ emerging from the CBA's 2013 report, [Reaching Equal Justice](#). *Reaching Equal Justice* challenges all those working in, or preparing to work in the justice system to think deeply about what they can do, as individuals and in collaboration with others, to move toward equal justice now.

Reaching Equal Justice says that access to justice is the biggest legal issue of our generation.² *Learning Law in Place* (the Guide) is written to enhance learning from experience in an access to justice context, with the goal of ensuring that increasing numbers of law school graduates and young lawyers are committed to advancing equal justice. It is intended to be one tool directed toward the larger pedagogical mission of supporting access to justice through legal education. At the same time, it is designed to both gradually change the legal profession's understanding of access to justice as a right, and also an integral part of lawyers' professional responsibilities.

Learning Law in Place intends to help **law students** get the most out of any and each experiential learning opportunity they may have. **Instructors or supervisors** can encourage the use of this Guide in various ways. For example, they might ask students to use it in whole or in part, depending on the nature of the experiential learning opportunity. Some instructors and supervisors have found it helpful to create opportunities for law students to discuss the Guide together periodically, to learn more about how their colleagues are taking advantage of the Guide.

When the Guide refers to "you", it speaks directly to law students. [Some of the terms](#) used in the Guide may be unfamiliar. They refer to a theory of learning from the field of education that recognizes the benefits of following specific reflective strategies to learn from experience. Educational experts have been studying experiential learning for some time and know the steps that lead to professional success. This Guide builds on those educational theories, adapting them for law students. [Additional references and resources](#) can be found at the end of the Guide.

Learning Law in Place seeks to bridge your learning in law school with your work-integrated learning (WIL) experience. It is divided into two parts:

- **[Part 1: explains](#)** experiential learning and the educational theory that it is based upon.
- **[Part 2: is a workbook](#)** with reflective exercises to support your experiential learning in your WIL experience (the Workbook).

Evidence suggests that when students and professionals are *intentional* about their learning, it results in deeper and longer lasting learning and better personal and career outcomes.³ For many law students, the first taste of "real life" lawyering may occur in law school through a WIL experience. That might include everything from *pro bono* hours at a non-profit organization to "summering" at a law firm. Your WIL might be an externship, internship or co-op learning program, classes with a placement option or even a problem-based learning course. WILs offer an excellent way to discover more about the practice of law and help figure out what you want (or don't want)

to do as a legal professional. These experiences can help you understand more about the people and institutions related to law and the justice system, and can increase consciousness about access to justice, while potentially also increasing service and fostering new approaches to helping people seeking justice.

You can use this Guide for different WIL experiences. Whether you pick it up at the beginning, middle or end of a WIL experience, there are useful exercises and tools to help you better understand and benefit from law-related work. It provides resources to support you in sustaining a lifelong commitment to a career in law and to improving access to justice.

Workbook

This Workbook will help you plan and prepare for your WIL experience to maximize each experience. It encourages self-direction and self-reflection, thinking through the critical issues likely to come up in your WIL experience. It includes reflective practices and exercises to use during your WIL experience. Some exercises will be relevant to your particular situation and some won't. Choose what works best for you.

There is often more than one right answer, but the exercises will get you thinking. Consider discussing your answers with a mentor, supervisor, study group members, colleagues, or other support people. There are many benefits to collective reflection, so we encourage you to discuss your ideas widely.

To increase the depth of your learning, you'll see space for notes throughout the Workbook. Take the time to write down your answers. Thinking about your answers, without writing them down, will not give you the same benefits. (Writing involves a different brain function and increases learning.) Use the Workbook as you see fit, and modify the exercises to suit your own experience.

Use this Guide during

- Internships/externships
- Student legal clinic work
- Pro bono placements
- Law-related summer or part-time jobs
- Project-based law classes
- Simulation exercises or problem-based learning
- Articling placement
- All other law-practice-related tasks

Moving from the law school learning environment to a WIL experience can be a bit disorienting and challenging. This Guide provides ways to make the most of your experiences. Some exercises may seem easy or obvious but are based on the latest research on learning: this research shows that taking a moment to reflect on what you are experiencing, thinking and doing before, during, and after an encounter or a task helps to develop professional insight and build professional competence and knowledge more quickly.

WIL Experience: _____

Start date: _____

Supervisor/mentor/lawyer: _____

Contact information: _____

Stage 1 Preparing for your WIL: Getting Started

The reflective exercises below will help you prepare for your WIL experience. They encourage you to think through the skills, attitudes, biases and sources of power and knowledge you bring with you, as well as the skills, competencies and knowledge you hope to develop. Self-evaluation and building our capacity for self-direction are essential elements of this planning and preparation phase.

REFLECTIVE PRACTICE #1

Prior learning assessment (recognizing the skills and knowledge you already have)

Going into your WIL, it's important to recognize the skills and knowledge you already have. You are not an empty vessel or a blank slate,⁴ but an adult with life experience and knowledge that will serve you well in this new challenge. Here's an exercise to help you recognize the strengths you are bringing to your first legal tasks.

- Use Column 1 to write down:
 - school, work, sports, volunteer or other experiences you had prior to law school; and
 - courses or other work you have done in or before law school;.
- Use Column 2 to write down:
 - things that you learned from these previous experiences. Think about what you have done and reflect on what you have learned about yourself, what you enjoy doing, what you feel competent to do and what skills you have already developed, as well as what kind of knowledge you bring in with you. Use as much space as you need, or add diagrams or pictures to illustrate previous learning experiences.
- Look over the thoughts you wrote down in Column 2. Choose at least three skills/areas of knowledge that you think will help you most with your first legal tasks.

Column 1 – Things I have Done	Column 2 – Things I have Learned
	Skills and knowledge that will help:
	1.
	2.
	3.

REFLECTIVE PRACTICE #2

Learning opportunities and skills development

Think about the kinds of things that you will be asked to do during your WIL experience (for example, write a memo, interview a client, do research, draft or file a document, or accompany a lawyer to a hearing.) What specific opportunities will help you develop these skills? How might you use the skills and knowledge you already have (see Reflective Practice #1, **Prior Learning Assessment**)? What skills and knowledge do you know you need to acquire?

REFLECTIVE PRACTICE #3

Access to justice and sources of knowledge and power

Many students will choose to engage in some sort of law practice in vulnerable or marginalized communities, where the need for legal assistance is acute. It's important to think critically about your role as law student. This is not about shaming, but about identifying areas to improve.

1. Write down one example of an access to justice issue you have witnessed or experienced – something that was unfair or unjust. How did you feel? What did you observe?
2. Consider [Bernard Mayer's sources of power](#) – which do you have? which might clients and communities have or be able to access? how might this affect your relationship with clients?
3. What might you do to address your results?

REFLECTIVE PRACTICE #4

Becoming aware of your attitudes and biases⁵

People don't always speak their minds, but it is also true that people don't always know their minds. Harvard University has developed implicit association tests to reveal unconscious preferences and bias based on a wide array of markers.

Click on this [link](#) to participate in a series of tests that examine bias in the areas of age, Indigeneity, sexuality, gender-science, ethnicity, skin-tone, weight, religion, disability, and gender-career.

As you complete these tests, some unconscious bias may be revealed. How did you feel when you viewed your results? What next steps might you take to overcome these biases?

REFLECTIVE PRACTICE #5

Building your professional identity

When you applied to law school you likely already began forming a professional identity. Think back to the reasons you wanted to go to law school.

1. Why did you come to law school?
 2. And now that you're in law school, what do you think you want to do with your law degree?
 3. How do you think your WIL fits into your future goals?
 4. When you think about what being a "good" lawyer means, what are the first three qualities that come to mind?
-
-
-

REFLECTIVE PRACTICE #6

Reflecting on law as a service profession

This exercise is intended to get you thinking about law as a service profession and to interrogate what service means in different contexts. Hopefully it will help build a set of goals for high quality client relationships.

Pick a place where you can spend 15 minutes watching a person provide customer service. (For example, go to your favourite local coffee shop (or perhaps a doctor or dentist's office, etc). Try to unobtrusively observe the people working at the coffee shop.) Make notes on what you see.

1. What do you notice about how the service personnel deal with customers? Listen for words; look for facial expressions, body language, and body position.
2. How do they greet customers? What happens when a new customer comes in? How do they treat regulars, someone older, someone who seems different economically or culturally from the staff, someone who seems to be having a bad day?
3. How do the staff manage time between customers? How do customers react if the staff is not meeting their needs? How would you feel if your own needs were not met?
4. What happens when something goes wrong? How do things change? How does the staff person react and adapt?
5. Think about what you have observed. What makes for a good customer service experience?
6. Write down three things you think are important to say or do when dealing with a customer or client. Consider how you want your clients to feel when meeting you? How do you want

to react when things go wrong? How does the way you offer service contribute to your legal professionalism?

Stage 2 During Your WIL

These reflective practices and exercises are designed to support you throughout your WIL experience.

Continuous Learning and Professional Development

In your WIL experience, it is valuable to develop skills and professional knowledge that will support your lifelong learning and professional development. Reflecting on your experiences regularly, particularly by writing them down, will increase the depth of your learning. Planning and recognizing learning opportunities are also valuable tools for long-term success in the practice of law.

Record your experiences – Consider a less formal way of tracking your learning over time with an exercise from Professor Ted Murray called “Today I Learned”. He notes that some people have a hard time with “journaling”. An option to both record your learning and help with reflection is a “TIL File”. TIL is simply the act of writing down one or more things you learned during your workday.

REFLECTIVE PRACTICE #7

Professional learning as a life-long process

Each day of your WIL experience, take the time to answer these questions. Consider *the [First Nations Holistic Lifelong Learning Model](#)* and who you learned from.

1. What one thing did I learn about the law or the practice of law today?
2. What one thing did I learn about working with clients and/or co-workers today?
3. What one thing did I learn about the justice system or access to justice today?
4. What one thing did I learn about myself today?
5. What did I learn about my community and the community with which my client identifies?

REFLECTIVE PRACTICE #8

Developing your skills and professional knowledge

1. Consider your answers to Reflective Practice #1, **Prior learning assessment** and #2, **Learning opportunities and skills development**. Have you had the opportunity to develop these skills? If not, what else might you do to seek out opportunities?
 2. Are there other skills or knowledge you would like to develop that you may not have identified before your WIL?
 3. What other qualities or values have you seen so far in your WIL experience that you admire or aspire to?
 4. What legal practice experiences would give you the best opportunity to develop these qualities?
-
-
-

Supervision

In your WIL experience, your supervisor has a professional responsibility to oversee your work and to guide you. You have a responsibility to let your supervisor know when you need more information, support or guidance. It is important to be honest with your supervisor – asking for help or clarification shows a willingness to learn. Students may feel it's a sign of weakness to talk about workload challenges, but if you are having difficulties, this can quickly become an issue of professional ethics. It is important to speak up and ask questions.

REFLECTIVE PRACTICE #9

Making the most of receiving feedback

This exercise is a way for you to reflect on the process of getting feedback and identifying strategies to make the most of supervision opportunities.⁶ Use this chart when you have a supervision opportunity and consider how you want to handle it. Keep filling out the chart each time you meet with your supervisor. Are you developing a sense of how to make supervision a positive and productive part of your professional development?

Receiving Feedback	Yes	No
Did I listen to feedback with an open mind?		
Did I take notes that I could reflect on later to improve my work?		
Did I interrupt?		
Did I remain calm?		
Did I feel I had to defend myself?		
Did I summarize what I heard and say it back to make sure that I had heard and understood correctly?		
Did I find the feedback helpful? If not, did I ask for clarification?		
Did I ask for suggestions on how I might do something better?		
Did I communicate that I want to learn and get feedback regularly?		
If I disagreed with the feedback, did I raise the issue and ask for comment?		
Did I act in a manner that I consider to be professional?		
Did the supervisor act in a manner that I consider to be professional?		

Finally, consider what have you learned from this feedback session? What next steps do you need to take? _____

REFLECTIVE PRACTICE #10

Learning from mistakes

Effectively learning from successes and mistakes is an important element of experiential learning. It should lead to deepened understanding of professionalism and excellence in practice. This exercise provides a process to help you improve your response when a challenge has arisen. Use this exercise to learn from your successes too!

1. Write down an experience where something went wrong or didn't go as well as you'd hoped.
2. Thinking back on this experience, what exactly went wrong/what happened that upset you? What did you do that didn't meet your expectations (or your client's or supervisor's)?
3. What might you do differently in a similar situation in the future? Try to think through what went wrong and experiment with a new approach.
4. What have you learned from the event?

Access to Justice and Working in Communities

Your WIL experience may expose you to many aspects of access to justice. It may involve working for marginalized clients or in remote communities. Becoming sensitive to access to justice issues is important.

REFLECTIVE PRACTICE #11 Providing value for clients

You may be concerned that you cannot provide the best service to clients because of inexperience or lack of knowledge. While many people understand the role of law students and see value in their work, others would prefer a “real lawyer.” Providing real value for clients is a complicated but important consideration.⁷

1. How will you manage your role as law student in your WIL experience? What will you do if you are ever challenged due to your age or status as a student? Why might clients ask about your experience? How will you handle these questions?
2. What value might a law student bring to a community, especially from an access to justice perspective? How might you maximize your ability to learn and offer meaningful support to clients and communities?

Tips on Interviewing Vulnerable Clients

(Note that not all will be appropriate for all clients, but important to consider)

- Consider the interview setting. Does it promote open discussion? Does it seem bureaucratic or unwelcoming?
- Do you need an interpreter? Does the client require accommodation for disabilities?
- Adjust your expectations around storytelling and “appropriateness”. Be open to examining your own biases and asking questions to provide better service. Listen.
- Explain the difference between you as a lawyer/ law student and other power brokers (like social workers, police, judges, etc.).
- Explain your duty of confidentiality in plain language.
- If you need to ask sensitive questions, explain why you need the information and how it will be used.
- Establish clear next steps, and write them down in words and/or pictures.
- Many clients benefit from regular check-ins, even when there is no new information.
- Conduct shorter interviews.
- Ask what would make your client most comfortable.

REFLECTIVE PRACTICE #12

Developing cultural competency

Consider the communit(ies) you engaged with in your WIL experience. There may be pre-existing ways of doing and being that may or may not resonate with your own. There might be a deep history of classism, colonization, poverty, or racism – and often a great deal of resilience developed to survive. Many of these ways of doing and being are unstated. This reflective practice considers how to be sensitive to a variety of experiences and develop cultural competency. To begin, reflect on your own identity and recognize the biases and perspectives you may bring to legal issues (see Reflective Practices #1 **Prior Learning Assessment** and #4 **Becoming Aware of your Attitudes and Biases**). (It is important throughout to consider your own cultural assumptions and how they could lead to misinterpretation or miscommunication.) You could also conduct some independent research about the history of the community, answering the questions below.

1. What are the major struggles the community has faced?
2. How have they survived?
3. Who and what are the sources of resilience in the community?
4. What might your client’s relationship be with the communit(ies)?
5. How might community history affect the clients and communities with which you work?

6. Whose voices remain silenced in the community?

Wellness

The practice of law is challenging. Your practice experience may introduce you to clients and situations that are distressing. The complexity of clients' legal problems, the unfairness of the situation that they are in, the emotional demands they make, or the inadequacy of legal remedies or unjust laws may upset you.⁸ Compassion fatigue (the negative emotions you experience from helping/ supporting others who have experienced trauma) and vicarious trauma (damage to your fundamental beliefs about the world from being repeatedly exposed to traumatic material) are two issues that may arise during your WIL, particularly if you are working with marginalized clients. Maintaining your wellness during a WIL experience is important, not only to stay healthy (physically, emotionally and mentally) but also to begin lifelong practices. Keep in mind that it is common for ethical breaches in law practice to be related to wellness-related breakdowns.⁹ Engaging in reflection on your practice can really help.

Students working with Professor Sarah Buhler reflected on the challenges they experienced during their clinical placements. The students here are demonstrating reflection on practice and critical reflection, as well as reflection within and on community.

Debbie observed the following: "The first hardest thing was having clients that were either in a situation where their legal issue might be solvable, but all of their other issues that were pressing [were not]. You know, just as an outside[r] looking into their life, either I'm worried that the other forces in their life were going to, you know, negatively affect them more or just be so detrimental that even if the law part got fixed, the rest of it would still be, you know, the rest would just be really tough to deal with."

... Carol noted that one of the things that her clinical experience taught her was that "systemic issues are way bigger than law and bigger than lawyers".... Jason observed that during the clinical law program "[o]ne quickly perceives that existing legal institutions and process[es] don't necessarily serve the needs of folks that are impoverished and marginalized."¹⁰

REFLECTIVE PRACTICE #13

Building emotional awareness

Part of preparing for wellness is to know your own triggers, and strategize about how to protect your wellness. When you can quickly assess the way you are feeling, you can take steps to acknowledge and manage your emotional reactions. If you are not careful, your emotions can

impact your capacity to be professional with your client and help solve the problem at hand. Emotional awareness is also essential to professional practice.

See below for one tool to help quickly get in touch with your feelings, “Mad/Sad/Glad/Scared”. If you feel confused, describe the situation (the responses listed here are samples), choose which emotion(s) you feel and suggest why you might feel that way.¹¹

Situation	Mad 🤬	Sad 😞	Glad 😊	Scared 😨
My client didn't show up (again)	<i>The client doesn't respect me or my time!</i>	<i>I feel badly that I won't be able to help this client quickly because I don't have her paperwork.</i>	<i>I have a ton of other work to do, so I am sort of happy the client didn't show.</i>	<i>I hope the client is OK. The client has serious addictions challenges and has a history of suicide attempts.</i>
I had to tell another refugee claimant there is no chance of them staying in Canada.	<i>I am ashamed of my government and its policies. I might as well quit because what's the point?</i>	<i>My client is such a gentle and smart person ... with no future in Canada. I feel responsible for letting so many people down, and sad I don't have the power to do anything about it.</i>		<i>My client's living situation is so tenuous and dangerous. It's not really safe. What will happen to refugees when their own government won't protect them?</i>
I worked really hard on a separation agreement and now my client has gone back to a bad situation	<i>What a wasted effort.</i>	<i>I feel so sad for the kids. They need a new start.</i>		<i>What if their fighting turns more violent? Should I try to step in before something awful happens?</i>
When my client's ex called, and told me my client abused the children	<i>I'm angry because it can't be true. But what if it is true? That means my client is lying to me. And what about the kids?</i>	<i>I'm not sure how I'm going to be able to help this client. It's going to be an uphill battle.</i>	<i>I'm glad I was prepared by my supervisor to deal professionally with his call. I just wrote down what he said, and then spoke to my supervisor about next steps.</i>	<i>What's my duty to disclose? Can I get in trouble if I don't say anything? What if my client or my client's ex is violent?</i>

REFLECTIVE PRACTICE #14

Mindful breathing

A useful and accessible tool for wellness is mindful breathing. It can calm your nervous system, increase focus, create the space for reflection and reduce stress.

This can be done sitting, standing or lying down. Ideally, your body should be as comfortable as possible. Try to get away from other people. Close your eyes and relax your shoulders and facial muscles. Inhale through your nose for a count of four, then exhale for a count of four. You may wish to count forward then backwards from one to four, then four to one. Do this as slowly as feels comfortable for a few minutes. Try to breathe deeply so your stomach rises and falls. Your mind might wander, which is perfectly natural. When you notice this, bring your attention back to your breathing.

Consider doing mindful breathing throughout the day, and particularly when you have to face a difficult situation.

Ethics and Professional Responsibilities – Building Your Professional Identity

During law school you may have learned about ethics and professional responsibility. Lawyers must follow their law society's Rules of Professional Conduct (Rules) and comply with their professional and ethical responsibilities. While the Rules provide an outline and legal requirements to consider in resolving ethical challenges, ethical and moral dilemmas are contextual and require strong personal judgment. You need to be familiar with those Rules. Some Law Societies have helplines that can give insight on practice-related ethical issues.¹² Taking time to think about your ethical decisions will strengthen your ability to make sound ethical judgments. Of course, specific ethical challenges in your WIL experience should always be discussed with your direct supervisor.

A lawyer's **professional identity** comes from a theory of practice that is comprised of their habits and beliefs about what it takes to be a good lawyer. Self-understanding, understanding of different concepts of lawyering and self-image are important contributors. As your practical experience grows and professional competency and knowledge solidifies, your professional identity will begin to take shape. Of course, your professional and personal identities will always be intricately connected!

REFLECTIVE PRACTICE #15

Facing an ethical dilemma (The Bell, The Book, and The Candle Approach)

When you are facing an ethical dilemma, see below for a quick way to gain some perspective and to help you decide what to do. Remember you are most likely practicing under the license of your supervising lawyer and you should also speak directly with your supervisor about any ethical dilemmas.

- The Bell – Are warning bells going off? Do you feel uneasy? Is something making you hesitate?
- The Book – Is there a law, policy, or rule about this?
- The Candle – What if someone finds out? Can you defend your action if challenged?¹³

REFLECTIVE PRACTICE #16

Professionalism, professional demeanour and models of lawyering

The term “professionalism” is often cited as an important part of lawyering, but can be confusing, with many often unstated meanings. Professionalism can refer to the way someone appears or how someone behaves (e.g. their etiquette, their demeanour or how they conduct themselves during the course of their work). Your employer or supervisor will likely have expectations about dress and demeanour, as well as guidelines and protocols regarding client interaction. Professional integrity and honesty are essential. These expectations are not always written down, and sometimes formal policy and actual organizational practice are inconsistent.

Reflecting on your own identity and practice can assist in analyzing your own expectations, and whether they match with your workplace’s culture and expectations. Consider the [different models of lawyering](#) and how your workplace environment resonates with you. It is not uncommon to feel uncomfortable in your environment, and it is useful to recognize these feelings. Answer the following questions.

1. What are your workplace policies? How are you expected to dress and behave? How does that line up with the workplace culture?
2. How do you feel about these policies and culture? (i.e. do you think they are appropriate? Do they make you feel pressured to conform? Do you see the need for them? Do they contradict your own beliefs?)
3. How do the policies and workplace culture generally line up with your own personal and professional identities?

Law students may play a variety of roles. Law students work under the supervision and, generally, the license, of a lawyer supervisor. This means that in the work you do, your supervisor will ultimately be responsible. Figuring out roles and ethical boundaries is not always easy, especially when you witness or are a part of injustice. You might face serious ethical challenges during your WIL experience. Speak with your supervisor or, if that is not possible, with your Law Society or academic support person.

Stage 3 At the end of your WIL: Wrapping up

A WIL experience is valuable for personal and professional development. You may want your WIL supervisor(s) to act as a reference for future positions. You might go back to volunteer or even work for the same organization in future. As you end your WIL experience, it is useful to reflect on what you have learned from the experience so that you can appreciate how much you have learned and be able to articulate it clearly to others.

REFLECTIVE PRACTICE #17

Learning from experience

Go back and review your notes from your WIL experience. As you read, make a list of the things you learned throughout your experience. What items did you wish you knew before you started? What one or two experiences stuck out the most and why?

These are useful both for your own development and also to create a professional development plan for the future. If you end your WIL experience feeling less than satisfied, that can be a way of learning about what you *don't* want from a future practice. Take some time to consider what exactly you did not like about your WIL experience. Was it a problem with a lack of skills or knowledge, or did it not mesh well with your values. Was it your own issue, or one caused by the environment? What was it about the environment or the work that wasn't meaningful or helpful? What lessons did you learn? What next steps might you take?

REFLECTIVE PRACTICE #18
Self-reflection and quality of reflection

Over the course of your WIL and in completing this Workbook, your self-reflection skills likely changed. Consider your responses to the exercises in this Workbook before beginning your WIL and then near the end of your WIL.

Did your capacity to assess your own performance change? Did your ability to witness and actively listen change? Did your accounts of your experiences change? Did you recognize more or different emotional reactions? Did you recognize the implications of any of your experiences? Did you move beyond being able to describe your experiences to being able to critically reflect on them? Did you become more aware of injustice, or a lack of equal justice? How might you continue to increase the depth and quality of your reflection?

REFLECTIVE PRACTICE #19
Continuous improvement and lifelong learning

Now that you have had a chance to review your notes and reflect on your WIL experience, consider what skills you still need to learn and improve on, what knowledge you need to acquire, and what values you may wish to adopt. Name at least one in each category. This type of reflection on practice, on knowledge and on self will enhance your professional development and help give direction to lifelong learning, an essential part of legal professionalism.

REFLECTIVE PRACTICE #20

Preparing for your next interview

One way to reflect on your professional learning is an exercise developed where students draft their own employment reference letters.¹⁴ This is a surprisingly simple task that requires you to name what you learned, but also discuss the work you did and how you did it. When you apply for your next legal practice experience, be prepared to talk about what you learned from this experience.

Write down your thoughts now so that you can refer to them later. You may also want to consider building a portfolio which you can use throughout your career to provide examples of your professional work.

REFLECTIVE PRACTICE #21

Revisiting what makes a good lawyer

Go back to Reflective Practice #5, **Building your professional identity**.

1. How did you see these qualities in action during your legal practice experience?
2. What legal practice experience would give you the best opportunity to further develop these qualities?
3. What steps can you take to find your next legal practice experience opportunity?
4. Has your understanding of what makes a good lawyer changed?

REFLECTIVE PRACTICE #22
Access to justice challenges

Go back to Reflective Practices #3 **Access to justice and sources of knowledge and power** and #4 **Becoming aware of your attitudes and biases**. What have you learned about access to justice and law-related work that might deepen or add nuance to your experience? Do you feel differently about it now and if so how? What did you learn about the role of lawyers in access to justice struggles? Has your understanding of the law and the practice of law changed? What next steps might you take to make visible your commitment to access to justice?

Conclusion

Congratulations on completing your WIL and engaging with reflective practice. You are already taking the first steps to lifelong excellence in law. In this Guide, you've learned methods for developing a stronger reflective muscle. Engaging in reflective practice will increase your ability to learn efficiently and deeply from experience, as well as to become more self-directed and resilient. Self-directedness, self-critique, self-reflection, and persistence all lead to long-term success in the practice of law. Becoming a critically reflective practitioner through disciplined reflection nurtures your growing professional identity, while helping you recognize and deal with ethical challenges including unconscious biases and a lack of equal access to justice. It supports questioning how the law is lived and whether people understand and can protect and enforce their rights.

Hopefully, your engagement with this Guide means you took steps in understanding and working towards a deepened sense of professional responsibility for access to justice. This "access to justice consciousness" will serve you well throughout your career as a legal professional, whether you practice law, develop policy, run a business, work at a non-profit, become a parent, or change careers entirely. Opportunities to increase access to justice are everywhere!

Keep this Workbook so that you can refer to it again. When you are about to begin your next legal practice experience, use a new Workbook and fill it in throughout the experience. During your career, you can keep building your skills and reflecting on your practice. Reflective practice can help you continually improve at whatever you choose to do.

We welcome feedback on this Guide. Please contact equaljustice@cba.org at the Canadian Bar Association to provide your feedback.

Endnotes and Additional Resources

- ¹ Report of the Ontario Civil Needs Project, Roy McMurtry (Chair), [*Listening to Ontarians*](#) (Toronto: Ontario Civil Legal Needs Project Steering Committee, 2010).
- ² Canadian Bar Association, *Reaching Equal Justice: An Invitation to Envision and Act* (November 2013), available [online](#). See also, CBA [*Preventive Law Toolkit*](#), [*Legal Health Checks*](#), [*Legal Aid Benchmarks*](#) report.
- ³ Although much literature in reflective practice is theoretical, some studies demonstrate its effectiveness in multiple domains – see Karen Mann, Jill Gordon and Anna MacLeod, “Reflection and Reflective Practice in Health Professions Education: A Systematic Review” (2009) 14 *Advances in Health Sciences Education* 595; Thomas Hyde and James Jenkins “Recall for words as a function of semantic, graphic, and syntactic orienting tasks” (1969) 12 *Journal of Verbal Learning and Verbal Behavior* 471; and, Victoria Marsick and Karen Watkins, *Informal and Incidental Learning in the Workplace* (New York: Routledge, 1990).
- ⁴ Aristotle is often credited with the original idea of the blank slate or writing tablet in “De Anima” (On the Soul). Locke’s “Essay Concerning Human Understanding” describes the “blank slate” concept further but did not argue for passive learning methods. Regardless, it is now widely accepted that students – especially adult learners – bring a great deal to the act of learning and that acknowledging that learning is important to building upon it.
- ⁵ Here are some other implicit bias tests you may wish to look at: (1) “Blue Eyes/Brown Eyes” Exercise – This exercise was developed in response to the assassination of Martin Luther King Jr. Jane Elliott devised this startling exercise that labels individuals as inferior or superior based solely on their eye colour. Visit this page of [learning materials](#); (2) “Chitling Test of Intelligence”: Developed by Adrian Dove, this test challenges traditional notions of “knowledge” and “intelligence”. Try the short 15 question quiz [here](#). (3) “Stroop Test”: This test was designed to understand our “directed attention”, which is a cognitive mechanism used to manage our thoughts by inhibiting one response over another. The Implicit Bias test uses this same notion. The Stroop Test is available [online](#) with five levels of difficulty.
- ⁶ For more information, see Professor Jeff Giddings’ work on “The Effective Law Student Supervision Project” at Griffiths University in South East Queensland, Australia, available https://altf.org/wp-content/uploads/2016/08/Giddings-J_NTF_Report_2015.pdf.
- ⁷ See for example, Shelley Gavigan, “Twenty-Five Years of Dynamic Tension: The Parkdale Community Legal Services Experience” (1997) 35:3 *Osgoode Hall Law Journal* 443 which questions students learning “on the backs” of clients and communities when these communities deserve equivalent service as high-paying clients.
- ⁸ Wellness is also an access to justice issue. Lynne Jenkins from the Barbra Schlifer Legal Clinic argues that “[l]aw students’ reluctance to represent traumatized clients can create an even greater shortage of legal advocates in certain fields, and impact access to justice for persons who have experienced a traumatic event”. See: M. Lynne Jenkins, “Teaching Law Students:

Lessening the Potential Effects of Vicarious Trauma” (2013) 37:1 Manitoba Law Journal 300.

- ⁹ While there is increased attention to wellness in the practice of law, major issues remain on individual, institutional and systemic levels. It is not uncommon for ethical breaches in law practice to be related to wellness-related breakdowns particularly linked to vicarious trauma. See for example, *LSUC v Gardiner* and *LSUC v Chernoff*, both cited in Donald Murray and Johnette Royer, “Vicarious Traumatization: The Corrosive Consequences of Law Practice for Criminal Justice and Family Law Practitioners” (Paper delivered to the CBA Nunavut Branch, 10 May 2008).
- ¹⁰ Sarah Buhler, “I Am Not a Caped Crusader: Clinical Legal Education and Professional Identity Formation” (2016) 49:1 UBC L Rev 105.
- ¹¹ You can measure both your compassion satisfaction (the well-being you experience from helping/ supporting others who have experienced trauma) and compassion fatigue (the negative emotions you experience from helping/ supporting others who have experienced trauma) by completing a well-researched [assessment](#) offered on the University of Buffalo, School of Social Work web site.
- ¹² See for example, the Law Society of Upper Canada’s Practice Management Helpline, [online](#).
- ¹³ See Mary C. Gentle, *Giving Voice to Values: How to Speak your Mind When You Know What’s Right* (Yale University Press, 2010) for more information. See also, <https://www.youtube.com/watch?v=Xqf1lj0Jdco>
- ¹⁴ This is an exercise developed by Geraldine Sadoway, former lawyer with Parkdale Legal Services and expert in international human rights law, presented at the 2017 ACCLE/CALE conference. At the end of their term, Professor Sadoway asks students to write their own employment reference.

